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SPANISH
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MEXICAN

LAND LAWS.

NEW SPAIN
AND
MEXICO.

St. Louis, Mo.:
Buxton & Skinner Stationery Co.
1895.

COURT OF PRIVATE LAND CLAIMS.

JOSEPH R. REED, Chief Justice, Iowa.

THOMAS C. FULLER, Associate Justice, North Carolina.

WILLIAM W. MURRAY, Associate Justice, Tennessee.

WILBUR F. STONE, Associate Justice, Colorado.

HENRY C. SLUSS, Associate Justice, Kansas.

MATTHEW G. REYNOLDS, United States Attorney, Missouri.

JAMES H. REEDER, Clerk, Kansas.

The Court is held at Santa Fe, N. M., and Tucson, Arizona.

W. H. Miller

ERRATA.

Page.	Line.	Reads.	Should Read.
5	6	Legislacoin	Legislacion.
31	6	States	State.
32	32	p. 106	pp. 106-107.
34	5	June 13th, 1813	March 18th, 1812.
34	15	77d	149.
34	17	106	181.
35	19		Insert "Compilation, p. 223."
36	3	16th article	7th article, Sec. 16.
36	3	Board of Sales	Bureau of Colonization.
38	7		Insert "Comp. p. 256."
38	26	January 30th, 1823	January 31st, 1824.
38	27		Insert "Comp. p. 281."
46	31	that	they.
67	10-11	on their own responsibility	officially (without cost).
67	17-18	provided for in	forwarded for.
70	26	Genrales	Generales.
71	20	89	81.
72	21	tracts	*sitios.*
75	25	Inturrigaray	Iturrigaray.
103	20	fee	ownership.
104	24	fee	ownership.
106	15	R	3.
138			Art. 293 should be on p. 137 as part of the Constitution of the State of the West.
205			This page should follow p. 204, being part of the Constitutional laws.
226	22	of	or.
228	36	consequently	consequently, the contracts.
229	20	whch	which.
261	38	article 16	article 7th, Section 16.
273	24	1844	1824.
280	8	compatable	compatible.
289	9	Mexico	New Mexico.
292	20	terriory	territory.
298			Insert "Comp. p. 284."
111	17	1820	1830.

W. H. Miller

PREFACE.

The United States acquired from the Republic of Mexico by the treaty of Guadalupe Hidalgo on the 2d of February, 1848, and the treaty of Mesilla, known as the Gadsden Purchase, dated December 30th, 1853, all the property included in what is now the States of California, Colorado, Utah, Wyoming and Nevada, and the Territories of New Mexico and Arizona, and by said treaties it agreed to protect and recognize the rights of property of every kind, belonging to Mexicans, that was situated in the ceded territory. Under the stipulations contained in the treaty of Guadalupe Hidalgo, Congress on the 3d day of March, 1851, passed a law to settle and determine the validity of private land claims in the State of California; and on March 3d, 1891, it passed a law for the settlement of titles to private land claims under both treaties entitled, "An Act to establish a Court of Private Land Claims, and to provide for the settlement of private land claims in certain States and Territories." A full copy of this act will be found in another portion of this compilation, and by its provisions all persons claiming rights protected by the treaties, whether their titles were complete and perfect or incomplete, are given the right to present their claims and have the validity of the same ascertained and determined by the court.

In the performance of his duties as the representative of the government in this litigation, it has become necessary for the undersigned to make thorough examination and investigation, into the history of the country now known as Mexico, and of the laws of Spain and Mexico relating to the disposition of the public lands, in force in that country at the time the several claims presented to said court were alleged to have been initiated and perfected.

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In the performance of this duty, the writer was much surprised to learn of the meagre nature of the information upon these subjects deducible from the text books extant, and found it necessary to cause to be made a thorough examination of the history of the country now known as Mexico and of the laws of Spain and Mexico relating to the granting of the public lands, and this examination necessitated a translation of many of such laws not heretofore, to his knowledge, translated into the English language.

In order that the results of this research; carried on as it has been, at the expense of the government, might be of the greatest benefit to those interested in this litigation, it has been decided, after full consultation with the Department of Justice, and with its approval, to publish this compilation, with suitable references to the original publications from which each citation has been made, in order that those who may have occasion to use the same, may verify the accuracy both of the citation and the translation.

The particular acts contained in this compilation have been selected by the undersigned; the translations of the same have been made and carefully revised by Mr. Henry O. Flipper, a special agent and expert in his office, and as heretofore stated its publication has the full approval of the Department of Justice.

The historical sketch included in this compilation has been gathered, after attentive labor, directly from the laws of Mexico, and does not depend for its authenticity upon hearsay or formerly published histories of that country, and it is thought that this feature of the compilation may prove of considerable value to those whose interest or inclination may induce its perusal, as a knowledge of the political history of New Spain and of Mexico, especially that part of such history relating to the various changes in the forms of government, is not only interesting, but absolutely essential to a correct understanding of the laws by which the validity of titles, claimed to be derived through grants made by those governments, are to be tested.

When in this compilation reference is made to "COMPILED LAWS" or "C. L." such reference is to be understood as cited from the official edition known as "LEGISLACOIN MEXICANA O COLLECCION COMPLETA DE LAS DISPOSICIONES LEGISLATIVAS," published by Manuel Dublan and Jose Maria Lozano in 1876.

In the hope that this compilation may serve to relieve others, who may have occasion to examine the questions involved, from much of the preliminary labor, which has devolved upon my assistants and myself in the investigation of these claims, I have cheerfully recommended the publication of this compilation.

MATTHEW G. REYNOLDS,
United States Attorney for the Court of Private Land Claims.

Santa Fe, N. M., August 15th, 1895.

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COURT OF PRIVATE LAND CLAIMS.

An act to establish a court of private land claims and to provide for the settlement of private land claims in certain States and Territories.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled: Sec. 1. That there shall be, and hereby is, established a court to be called the court of private land claims, to consist of a chief justice and four associate justices, who shall be, when appointed, citizens and residents of some of the States of the United States, to be appointed by the President, by and with the advice and consent of the Senate, to hold their offices for the term expiring on the thirty-first day of December, Anno Domini eighteen hundred and ninety-five; and three of whom shall constitute a quorum. Said court shall have and exercise jurisdiction in the hearing and decision of private land claims according to the provisions of this act. The chief justice and associate justices shall each receive a compensation of five thousand dollars per year, payable monthly, and their necessary traveling and personal expenses while engaged in the performance of their duties. The said court shall appoint a clerk, at a salary of two thousand dollars a year, who shall attend all the sessions of the court, and a deputy clerk, where regular terms of the court are held, at a salary of eight hundred dollars a year. The court shall also appoint a stenographer, at a salary of fifteen hundred dollars a year, who shall attend all the sessions of the court, and perform the duties required of him by the court.

The said court shall have power to adopt all necessary rules and regulations for the transaction of its business and to carry out the provisions of this act; to issue any process necessary to the transaction of the business of said court, and to issue commissions to take depositions as provided in chapter seventeen of title thirteen of the Revised Statutes of the United States. Each of said justices shall have power to administer oaths and affirmations. It shall be the duty of the United States marshal for any district or Territory in which the court is held to serve any process of the said court placed in his hands for that purpose, and to attend the court in person or by deputy when so directed by the court. The court shall hold such sessions in the States and Territories mentioned in this act as shall be needful for the purposes thereof, and shall give notice of the times and places of the holding of such sessions by publication in both the English and Spanish languages, in one newspaper published at the capital of such State or Territory, once a week for two successive weeks, the last of which publications shall be not less than thirty days next preceding the times of the holding of such sessions, but such sessions may be adjourned from time to time without such publication.

Sec. 2. That there shall also be appointed by the President, by and with the advice and consent of the Senate, a competent attorney, learned in the law, who shall when appointed be a resident and citizen of some State of the United States, to represent the United States in said court. Such attorney shall receive a compensation of three thousand five hundred dollars per year, payable monthly, and his necessary traveling and personal expenses while engaged in the discharge of his duties. And there shall be appointed by the said court a person who shall be when appointed a citizen and resident of some State of the United States, skilled in the Spanish and English languages, to act as interpreter and translator in said court, to attend all the sessions thereof, and to perform such other service as may be required of him by the court. Such person shall be entitled to a compensation of one thousand five hundred dollars per year, payable monthly, and his necessary traveling and personal expenses while engaged in the discharge of his duties.

Sec. 3. That immediately upon the organization of said court the clerk shall cause notices thereof, and of the time and place of the first session thereof, to be published for a period of ninety days in one newspaper at the city of Washington and in one published at the capital of the State of Colorado and of the Territories of Arizona and New Mexico. Such notices shall be published in both the Spanish and English languages, and shall contain the substance of this act.

Sec. 4. That it shall be the duty of the Commissioner of the General Land Office of the United States, the surveyors-general of such Territories and States, or the keepers of any public records who may have possession of any records and papers relating to any land grants or claims for land within said States and Territories in relation to which any petition shall be brought under this act, on the application of any person interested, or by the attorney of the United States, to safely transmit such records and papers to said court or to attend in person or by deputy any session thereof when required by said court, and produce such records and papers.

Sec. 5. That the testimony which has been heretofore lawfully and regularly received by the surveyor-general of the proper Territory or State or by the Commissioner of the General Land Office, upon any claims presented to them, respectively, shall be admitted in evidence in all trials under this act when the person testifying is dead, so far as the subject matter thereof is competent evidence; and the court shall give it such weight as, in its judgment, under all the circumstances, it ought to have.

Sec. 6. That it shall and may be lawful for any person or persons or corporation, or their legal representatives, claiming lands within the limits of the territory derived by the United States from the republic of Mexico and now embraced within the Territories of New Mexico, Arizona, or Utah, or within the States of Nevada, Colorado, or Wyoming by virtue of any such Spanish or Mexican grant, concession, warrant, or survey as the United States are bound to recognize and confirm by virtue of the treaties of cession of said country by Mexico to the United States which at the date of the passage of this act have not been confirmed by act of Congress, or otherwise finally decided upon by lawful authority, and which are not already complete and perfect, in every such case to present a petition, in writing, to the said court in the State or Territory where said land is situated and where the said court holds its sessions, but cases arising in the States and Territories in which the court does not hold regular sessions may be instituted at such place as may be designated by the rules of the court.

The petition shall set forth fully the nature of their claims to the lands, and particularly state the date and form or the grant, concession, warrant, or order of survey under which they claim, by whom made, the name or names of any person or persons in possession of or claiming the same, or any part thereof, otherwise than by the lease or permission of the petitioner; and also the quantity of land claimed and the boundaries thereof, where situate, with a map showing the same, as near as may be, and whether the said claim has heretofore been confirmed, considered, or acted upon by Congress or the authorities of the United States, or been heretofore submitted to any authorities constituted by law for the adjustment of land titles within the limits of the said territory so acquired, and by them reported on unfavorably or recommended for confirmation, or authorized to be surveyed or not; and pray in such petition that the validity of such title or claim may be inquired into and decided.

And the said court is hereby authorized and required to take and exercise jurisdiction of all cases or claims presented by petition in conformity with the provisions of this act, and to hear and determine the same, as in this act provided, on the petition and proofs in case no answer or answers be filed after due notice, or on the petition and the answer or answers of any person or persons interested in preventing any claim from being established, and the answer of the attorney for the United States where he may have filed an answer, and such testimony and proofs as may be taken; and a copy of such petition, with a citation to any adverse possessor or claimant, shall, immediately after the filing of the same, be served on such possessor or claimant in the ordinary legal manner of serving such process in the proper State or Territory, and in like manner on the attorney for the United States; and it shall be the duty of the attorney for the United States, as also any adverse possessor or claimant, after service of petition and citation as hereinbefore provided, within thirty days, unless further time shall for good cause shown, be granted by the court, or a judge thereof, to enter an appearance, and plead, answer, or demur to said petition; and in default of such plea, answer, or demurrer being made within said thirty days or within the further time which may have been granted as aforesaid the court shall proceed to hear the cause on the petition and proofs, and render a final decree according to the provisions of this act, and in no case shall a decree be entered otherwise than upon full legal proof and hearing; and in every case the court shall require the petition to be sustained by satisfactory proofs, whether an answer or a plea shall have been filed or not.

Sec. 7. That all proceedings subsequent to the filing of said petition shall be conducted as near as may be according to the practice of the courts of equity of the United States, except that the answer of the attorney of the United States shall not be required to be verified by his oath, and except that, as far as practicable, testimony shall be taken in court or before one of the justices thereof. The said court shall have full power and authority to hear and determine all questions arising in cases before it relative to the title to the land the subject of such case, the extent, location, and boundaries thereof, and other matters connected therewith fit and proper to be heard and determined, and by a final decree to settle and determine the question of the validity of the title and the boundaries of the grant or claim presented for adjudication, according to the law of nations, the stipulations of the treaty concluded between the United States and the Republic of Mexico at the city of Guadalupe-Hidalgo, on the second day of February, in the year of our Lord, eighteen hundred and forty-eight, or the treaty concluded between the same powers at the city of Mexico, on the thirtieth day of December, in the year of our Lord, eighteen hundred and fifty-three, and the laws and ordinances of the Government from which it is alleged to have been derived, and all other questions properly arising between the claimants or other parties in the case and the United States, which decree shall in all cases refer to the treaty, law, or ordinance under which such claim is confirmed or rejected; and in confirming any such claim, in whole or in part, the court shall in its decree specify plainly the location, boundaries, and area of the land the claim to which is so confirmed.

Sec. 8. That any person or corporation claiming lands in any of the States or Territories mentioned in this act under a title derived from the Spanish or Mexican Government that was complete and perfect at the date when the United States acquired sorvereignty therein, shall have the right (but shall not be bound) to apply to said court in the manner in this act provided for other cases of confirmation of such title; and on such application said court shall proceed to hear, try, and determine the validity of the same and the right of the claimant thereto, its extent, location and boundaries, in the same manner and with the same powers as in other cases in this act mentioned.

If in any such case, a title so claimed to be perfect shall be established and confirmed, such confirmation shall be for so much land only as such perfect title shall be found to cover, always excepting any part of such land that shall have been disposed of by the United States (and always subject to and not to affect any conflicting private interests, rights, or claims held or claimed adversely to any such claim or title, or adversely to the holder of any such claim or title). And no confirmation of claims or titles in this section mentioned shall have any effect other or further than as a release of all claim of title by the United States; and no private right of any person as between himself and other claimants or persons, in respect of any such lands, shall be in any manner affected thereby.

It shall be lawful for and the duty of the head of the Department of Justice, whenever in his opinion the public interest or the rights of any claimants shall require it, to cause the attorney of the United States in said court to file in said court a petition against the holder or possessor of any claim or land in any of the States or Territories mentioned in this act who shall not have voluntarily come in under the provisions of this act, stating in substance that the title of such holder or possessor is open to question, or stating in substance that the boundaries of any such land, the claimant or possessor to or of which has not brought the matter into court, are open to question, and praying that the title to any such land, or the boundaries thereof, if the title be admitted, be settled and adjudicated; and thereupon the court shall, on such notice to such claimant or possessor as it shall deem reasonable, proceed to hear, try, and determine the question stated in such petition or arising in the matter, and determine the matter according to law, justice, and the provisions of this act, but subject to all lawful rights adverse to such claimant or possessor, as between such claimant and possessor and any other claimant or possessor, and subject in this respect to all the provisions of this section applicable thereto.

Sec. 9. That the party against whom the court shall in any case decide—the United States, in case of the confirmation of a claim in whole or in part, and the claimant, in case of the rejection of a claim, in whole or in part—shall have the right of appeal to the Supreme Court of the United States, such appeal to be taken within six months from date of such decision, and in all respects to be taken in the same manner and upon the same conditions, except in respect of the amount in controversy, as is now provided by law for the taking of appeals from decisions of the circuit courts of the United States. On any such appeal the Supreme Court shall retry the cause, as well the issues of fact as of law, and may cause testimony to be taken in addition to that given in the court below, and may amend the record of the proceedings below as truth and justice may require; and on such retrial and hearing every question shall be open, and the decision of the Supreme Court thereon shall be final and conclusive. Should no appeal be taken as aforesaid the decree of the court below shall be final and conclusive.

Upon the rendition of any judgment of the court confirming any claim, it shall be the duty of the attorney of the United States to notify the Attorney-General, in writing, of such judgment, giving him a clear statement of the case and the points decided by the court, which statement shall be verified by the certificate of the presiding judge of said court; and in any case in which such statement shall not be received by the Attorney-General within sixty days next after the rendition of such judgment, the right of appeal on the part of the United States shall continue to exist until six months after the receipt of such statement. And if the Attorney-General shall so direct, it shall be the duty of the clerk of the court to transmit the record of any cause in which final judgment has been rendered to the Attorney-General for his examination. In all cases it shall be the duty of the Attorney-General to instruct the attorney of the United States what further course to pursue and whether or not an appeal shall be taken.

Sec. 10. That whenever any decision of confirmation shall become final, the clerk of the court in which the final decision shall be had shall certify that fact to the Commissioner of the General Land Office, with a copy of the decree of confirmation, which shall plainly state the location, boundaries, and area of the tract confirmed. The said Commissioner shall thereupon without delay cause the tract so confirmed to be surveyed at the cost of the United States. When any such survey shall have been made and returned to the surveyor-general of the respective Territory or State, and the plat thereof completed, the surveyor-general shall give notice that same has been done, by publication once a week, for four consecutive weeks in two newspapers, one published at the capital of the Territory or State and the other (if any such there be) published near the land so surveyed, such notices to be published in both the Spanish and English languages; and the surveyor-general shall retain such survey and plat in his office for public inspection for the full period of ninety days from the date of the first publication of notice in the newspaper published at the capital of the Territory or State.

If, at the expiration of such period, no objection to such survey shall have been filed with him, he shall approve the same and forward it to the Commissioner of the General Land Office. If, within the said period of ninety days, objections are made to such survey, either by any party claiming an interest in the confirmation or by any party claiming an interest in the tract embraced in the survey or any part thereof, such objection shall be reduced to writing, stating distinctly the interest of the objector and the grounds of his objection, and signed by him or his attorney, and filed with the surveyor-general, with such affidavits or other proofs as he may produce in support of his objection. At the expiration of the said ninety days the surveyor-general shall forward such survey, with the objections and proofs filed in support of or in opposition to such objections, and his report thereon, to the Cmmissioner of the General Land Office.

Immediately upon receipt of any such survey with or without objections thereto, the said Commissioner shall transmit the same, with all accompanying papers, to the court in which the final decision was made for its examination of the survey and of any objections and proofs that may have been filed, or shall be furnished; and the said court shall thereupon determine if the said survey is in substantial accordance with the decree of confirmation. If found to be correct, the court shall direct its clerk to indorse upon the face of the plat its approval. If found to be incorrect, the court shall return the same for correction in such particulars as it shall direct. When any survey is finally approved by the court, it shall be returned to the Commissioner of the General Land Office, who shall as soon as may be cause a patent to be issued thereon to the confirmee. One-half of the necessary expenses of making the survey and plat provided for in this section, and in respect of which a patent shall be ordered to be issued, shall be paid by the claimant or patentee, and shall be a lien on said land, which may be enforced by the sale of so much thereof as may be necessary for that purpose, after a default of payment thereof for six months next after the approval of such survey and plat; and no patent shall issue until such payment.

Sec. 11. That the provisions of this act shall extend to any city lot, town lot, village lot, farm lot, or pasture lot claimed directly or immediately under any grant which may be entitled to confirmation by the United States, for the establishment of a city, town, or village, by the Spanish or Mexican Government, or the lawful authorities thereof; but the claim for said city, town, or village shall be presented by the corporate authorities of the said city, town, or village; or where the land upon which said city, town, or village is situated was originally granted to an individual the claim shall be presented by or in the name of said individual or his legal representatives.

Sec. 12. That all claims mentioned in section six of this act which are by the provisions of this act authorized to be prosecuted shall, at the end of two years from the taking effect of this act, if no petition in respect to the same shall have then been filed as hereinbefore provided, be deemed and taken, in all courts and elsewhere, to be abandoned and shall be forever barred: Provided, That in any case where it shall come to the knowledge of the court that minors, married women, or persons non compos mentis are interested in any land claim or matter brought before the court, it shall be its duty to appoint a guardian ad litem for such persons under disability and require a petition to be filed in their behalf, as in other cases, and if necessary to appoint counsel for the protection of their rights. The judges, respectively, of said court, are hereby authorized in all cases arising under this act to grant in vacation all orders for taking testimony, and otherwise to hear and dispose of interlocutory motions not affecting the substantial merits of a case. And said court shall have and possess all the powers of a circuit court of the United States in preserving order, compelling the production of books, papers, and documents, the attendance of witnesses, and in punishing contempts.

Sec. 13. That all the foregoing proceedings and rights shall be conducted and decided subject to the following provisions as well as to the other provisions of this act, namely:

First. No claim shall be allowed that shall not appear to be upon a title lawfully and regularly derived from the Government of Spain or Mexico, or from any of the States of the Republic of Mexico having lawful authority to make grants of land, and one that if not then complete and perfect at the date of the acquisition of the territory by the United States, the claimant would have had a lawful right to make perfect had the territory not been acquired by the United States, and that the United States are bound, upon the principles of public law, or by the provisions of the treaty of cession, to respect and permit to become complete and perfect if the same was not at said date already complete and perfect.

Second. No claim shall be allowed that shall interfere with or overthrow any just and unextinguished Indian title or right to any land or place.

Third. No allowance or confirmation of any claim shall confer any right or title to any gold, silver, or quicksilver mines or minerals of the same, unless the grant claimed effected the donation or sale of such mines or minerals to the grantee, or unless such grantee has become otherwise entitled thereto in law or in equity; but all such mines and minerals shall remain the property of the United States, with the right of working the same, which fact shall be stated in all patents issued under this act. But no such mine shall be worked on any property confirmed under this act without the consent of the owner of such property until specially authorized thereto by an act of Congress hereafter passed.

Fourth. No claim shall be allowed for any land the right to which has hitherto been lawfully acted upon and decided by Congress, or under its authority.

Fifth. No proceeding, decree, or act under this act shall conclude or affect the private rights of persons as between each other, all of which rights shall be preserved and saved to the same effect as if this act had not been passed; but the proceedings, decrees, and acts herein provided for shall be conclusive of all rights as between the United States and all persons claiming any interest or right in such lands.

Sixth. No confirmation of or decree concerning any claim under this act shall in any manner operate or have effect against the United States otherwise than as a release by the United States of its right and title to the land confirmed, nor shall it operate to make the United States in any manner liable in respect of any such grants, claims, or lands, or their disposition, otherwise than as in this act provided.

Seventh. No confirmation in respect of any claims or lands mentioned in section six of this act or in respect of any claim or title that was not complete and perfect at the time of the transfer of sovereignty to the United States as referred to in this act, shall in any case be made or patent issued for a greater quantity than eleven square leagues of land to or in the right of any one original grantee or claimant, or in the right of any one original grant to two or more persons jointly, nor for a greater quantity than was authorized by the respective laws of Spain or Mexico applicable to the claim.

Eighth. No concession, grant, or other authority to acquire land made upon any condition or requirement, either antecedent or subsequent, shall be admitted or confirmed unless it shall appear that every such condition and requirement was performed within the time and manner stated in any such concession, grant, or other authority to acquire land.

Sec. 14. That if in any case it shall appear that the lands or any part thereof decreed to any claimant under the provisions of this act shall have been sold or granted by the United States to any other person, such title from the United States to such other person shall remain valid, notwithstanding such decree, and upon proof being made to the satisfaction of said court of such sale or grant, and the value of the lands so sold or granted, such court shall render judgment in favor of such claimant against the United States for the reasonable value of said lands so sold or granted, exclusive of betterments, not exceeding one dollar and twenty-cents per acre for such lands; and such judgment, when found, shall be a charge on the Treasury of the United States. Either party deeming himself aggrieved by such judgment may appeal in the same manner as provided herein in cases of confirmation of a Spanish or Mexican grant. For the purpose of ascertaining the value and amount of such lands, surveys may be ordered by the court, and proof taken before the court, or by a commissioner appointed for that purpose by the court.

Sec. 15. That section eight of the act of Congress approved July twenty-second, eighteen hundred and fifty-four, entitled "An act to establish the offices of surveyor-general of New Mexico, Kansas, and Nebraska, to grant donations to actual settlers therein, and for other purposes," and all acts amendatory or in extension thereof, or supplementary thereto, and all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Sec. 16. That in township surveys hereafter to be made in the Territories of New Mexico, Arizona, and Utah, and in the States of Colorado, Nevada and Wyoming if it shall be made to appear to the satisfaction of the deputy surveyor making such survey that any person has, through himself, his ancestors, grantors, or their lawful successors in title or possession, been in the continuous adverse actual bona fide possession, residing thereon as his home, of any tract of land of or in connection therewith of other lands, all together not exceeding one hundred and sixty acres in such township for twenty years next preceding the time of making such survey, the deputy surveyor shall recognize and establish the lines of such possession and make the subdivision of the adjoining lands in accordance therewith. Such possession shall be accurately defined in the field-notes of the survey and delineated on the township plat, with the boundaries and area of the tract as a separate legal subdivision. The deputy surveyor shall return with his survey the name or names of all persons so found to be in possession, with a proper description of the tract in the possession of each as shown by the survey, and the proofs furnished to him of such possession.

Upon receipt of such survey and proofs the Commissioner of the General Land Office shall cause careful investigation to be made in such manner as he shall deem necessary for the ascertainment of the truth in respect of such claim and occupation, and if satisfied upon such investigation that the claimant comes within the provisions of this section, he shall cause patents to be issued to the parties so found to be in possession for the tracts respectively claimed by them: Provided, however, That no person shall be entitled to confirmation of, or to patent for, more than one hundred and sixty acres in his own right by virtue of this section: And provided, further, That this section shall not apply to any city lot, town lot, village lot, farm lot, or pasture lot held under a grant from any corporation or town the claim to which may fall within the provisions of section eleven of this act.

Sec. 17. That in the case of townships heretofore surveyed in the Territories of New Mexico, Arizona, and Utah, and the States of Colorado, Nevada, and Wyoming, all persons who, or whose ancestors, grantors, or their lawful successors in title or possession, became citizens of the United States by reason of the treaty of Guadalupe-Hidalgo, and who have been in the actual continuous adverse possession and residence thereon of tracts of not to exceed one hundred and sixty acres each, for twenty years next preceding such survey, shall be entitled, upon making proof of such facts, to the satisfaction of the register and receiver of the proper land district, and of the Commissioner of the General Land Office upon such investigation as is provided for in section sixteen of this act, to enter without payment of purchase money, fees, or commission, such legal subdivisions not exceeding one hundred and sixty acres, as shall include their said possessions: Provided, however, That no person shall be entitled to enter more than one such tract, in his own right, under the provisions of this section.

Sec. 18. That all claims arising under either of the two next preceding sections of this act shall be filed with the surveyor-general of the proper State or Territory within two years next after the passage of this act, and no claim not so filed shall be valid. And the class of cases provided for in said two next preceding sections shall not be considered or adjudicated by the court created by this act, and no tract of such land shall be subject to entry under the land laws of the United States.

Sec. 19. That the powers and functions of the court established by this act shall cease and determine on the thirty-first day of December, eighteen hundred and ninety-five, and all papers, files, and records in the possession of said court belonging to any other public office of the United States shall be returned to such office, and all other papers, files, and records in the possession of or appertaining to said court shall be returned to and filed in the Department of the Interior.

Approved, March 3, 1891.

RULES OF THE COURT OF PRIVATE LAND CLAIMS.

By the court it is ordered that the following rules be adopted in lieu of the rules heretofore promulgated:

RULE I.

DUTIES OF THE CLERK.

The clerk shall be the custodian of the records and seal of the court. He shall keep the following records at each place at which the regular terms of the court are held, viz: A journal in which he shall record all orders, decrees and judgments entered by the court, an appearance docket in which he shall enter the title of all claims or causes filed or brought in the court at that place, and in which he shall note the names of the attorneys, the filing of each paper, the appearance of parties, a brief statement of every return, motion, rule, order, judgment or other proceeding, with a reference to pages of the journal where each entry made can be found.

He shall also keep a book for the use of the court at each term, in which he shall enter each cause then pending at that place and undisposed of, by its title, leaving sufficient blank, space opposite each case, for the entry by the court of the memoranda or orders and judgments.

And the clerk shall keep an office at each place at which the regular terms of the court are held. Every case brought by a claimant of land under the provisions of the sixth and eighth sections of the act approved March 3, 1891, establishing the court, shall be entitled in the name of such claimant or claimants as plaintiff against the United States, and such other person or persons as may be designated as holding or claiming adversely to the plaintiff as defendant, and such title shall be perserved in the pleadings, and all other papers filed in the cause and in all journal entries made during its progress, and all writs, citations and processes issued therein; and all causes brought by instruction of the Department of Justice as provided by the eighth section of said act, and in all journal entries, writs, citations and processes therein, the United States shall be designated as plaintiff and the adverse party or parties as the defendant.

The clerk shall keep a roll of attorneys; any attorney who is a member of the bar of any court of record of the United States or of the State or Territory in which he resides shall upon exhibiting his certificate of admission to the clerk be entitled to have his name entered on the roll of attorneys and to appear in any case pending before the court.

Actions relating to lands in Wyoming, Nevada, Arizona or Utah, may at the election of the plaintiff, be brought and prosecuted at either of the places where the regular terms are held.

RULE II.

AS TO FILING OF PETITIONS, ETC.

Every person filing a petition in this court for the confirmation of any claim to land under any grant shall, at the time of filing such petition deliver to the clerk of the court, or the deputy clerk, the original documents constituting or creating such grant, together with two transcripts or copies thereof, one of which shall be filed with the clerk and the other delivered to the United States attorney for this court for his official use.

If, however, any such original document cannot for any reason, be delivered as herein required, the reason thereof shall be stated, and if such document be in existence but not under the control of petitioner, the name and place of the holder shall be stated, and if it be claimed that any such document be lost or destroyed the facts and circumstances of such loss or destruction shall be stated. The clerk or deputy so receiving such documents shall receipt for same, and such documents shall not be removed from the custody of this court without special order made by the court or one of the justices, until the final determination of the confirmation or rejection of such claim. Whenever any original document in any other than the English language shall be delivered to the custody of the court as herein required or shall be filed with the clerk or shall be offered in evidence the party so delivering, filing or offering the same shall present therewith a translation thereof into English in duplicate, one copy of which shall be filed with the clerk and the other delivered to the United States attorney for this court for his official use. Upon the filing of any such translation it shall be the duty of the official translator at once to compare the same with the original thereof, and if he shall find such translation to be correct to indorse thereon or attach thereto his certificate of that fact; but if he shall find any material inaccuracy or defect therein he shall immediately, report the same to the court. In any case satisfactory proof must be made of the fact that the claimant is the lawful successor in interest, in whole or in part, to the rights of the original grantee or grantees. And upon the application of the United States attorney the court or any justice thereof in vacation may order that an abstract of title be filed by the plaintiff showing the chain of title under which plaintiff claims; such abstract shall show all mesne conveyances when formal conveyances are relied on. And whenever a right is claimed under an informal transfer, as by oral contract or mere delivery of possession such fact shall be shown by the abstract of title. And upon the application of the United States attorney, the court or one of the justices in vacation may make an order requiring that copies of any or all mesne conveyances shall be filed with the clerk for the use of said attorney. Upon filing any petition the petitioner shall, at the time of filing the same, deliver to the clerk or deputy a true copy thereof for each person to be served with such petition.

RULE III.

WITNESSES AND THEIR TESTIMONY.

In all cases witnesses for either party shall be examined in open court upon the trial of the cause, unless they are sick, infirm, or otherwise unable to attend, and in that event either party desiring the testimony of such witness or witnesses shall make application to the court or any judge thereof to take the deposition of such witness or witnesses, and if it appears to the satisfaction of the court or judge that such witness or witnesses ought not or cannot be compelled to appear in court and testify, the court or judge shall make an order allowing the deposition of such witness or witnesses to be taken. Either party applying for an order to take the deposition as therein provided shall give notice to the adverse attorney of record of the time and place of making such application at least five days before the day upon which the same is to be made, and shall state the name and residence of each witness whose deposition is desired, the application shall state the name and residence of each witness whose deposition is desired and what is expected to be proven by each, together with the reasons why such witness cannot be required to attend and testify, and the same shall be verified by the oath of some party in interest or an attorney of record in the cause, and in all cases where an order is made by the court or judge to take the deposition of any witness or witnesses, the time and place of each depositions shall be stated in said order.

RULE IV.

COMMISSION AND TO WHOM DIRECTED.

The commission to take depositions of any witness or witnesses may be directed to a commissioner of any circuit court of the United States or to any person qualified to take testimony by the laws of the State or Territory in which the same is to be executed. Any notary public or any minister, commissioner, charge de affairs of the United States residing and accredited to the country where the depositions may be taken or any consul general, consul, vice consul, commercial agent, deputy consul or consular agent of the United States residing in such country. The persons to whom the same shall be directed shall be named therein, and the place of his residence shall be given in a manner that he may be easily found. When the commission shall be directed to an officer of the State or Territory in which it may be executed a certificate of the official character and authority of such officer from such court or other proper source shall be returned with it. The manner of certifying and returning depositions shall be as provided in the laws of the State or Territory where taken.

RULE V.

DEPOSITIONS, HOW OPENED AND FILED.

Either party may give five days notice to the opposite party of his intention to apply to the clerk to open and file depositions which have been returned in the court, and if no objections shall be made in writing within the time specified such depositions may be published as of course. Objections which may be made as aforesaid shall be set down for hearing before a judge of the court on like notice.

RULE VI.

ATTORNEY FOR THE UNITED STATES.

The attorney for the United States for this court shall not be required to verify by oath any application or motion made to the court or any judge thereof.

RULE VII.

When notice of any proceeding is required to be given to a party or attorney, and personal service of notice cannot be had, such notice may be given in such manner as the court or any justice thereof by special order may direct.

ADDITIONAL RULES.

The following additional rules defining the duties of the stenographer and the clerk of this court are hereby adopted:

I.

Immediately after the completion of the trial of each cause the stenographer shall extend his notes, of the oral evidence given by witnesses on the trial of the cause and shall make two copies thereof which he shall deliver to the clerk properly certified by himself. He shall also properly identify in numbers or letters all depositions, documents and exhibits introduced and read upon the trial, and shall make such reference thereto in his notes as shall clearly identify the same and shall return the same with the extended copies of his notes to the clerk.

II.

Upon receiving the extended copies of the notes of the stenographer as contemplated in the foregoing rule, the clerk shall file one copy thereof together with all depositions and documentary evidence introduced on the trial with the papers in the case, and the same shall constitute part of the record in the cause; the other copy of such extended notes shall be for the use of the court and counsel, until the decision of the case, when the same shall be deposited in the office of the attorney of the United States.

III.

In every case in which an appeal shall have been prayed and allowed by the Court it shall be the duty of the clerk upon the application of counsel for the party so appealing at once and without fee or charge to make out and forward to the clerk of the Supreme Court a transcript of the record in the cause unless otherwise ordered by the court or a justice thereof in vacation or the party demanding the same. The transcript shall include copies of all pleadings in the case, the evidence both oral and documentary introduced on the trial and the decree order or judgment appealed from and the clerk shall certify to the correctness of the same under the seal of the court.

RULE.

It is ordered that in all cases pending before this court, the plaintiffs therein shall file with the clerks at Santa Fe and Tucson all documentary evidence of title if the same be in their possession or control together with translations thereof, upon which they expect to rely upon the trial. If any such documentary evidence be not in the custody or under the control of the plaintiffs, copies and translations thereof shall be filed, together with statements as to where the originals can be found and they shall furnish the United States attorney with an abstract of all such documentary evidence.

The plaintiffs are also required to serve the United States attorney with an abstract of mesne conveyances and other evidence relied upon to connect themselves with the original grantee and they shall at least five days before the case comes on for trial file with the clerk. for inspection all original documents that are to be used for that purpose.

It is ordered that Rule II heretofore adopted be amended by striking out the word duplicate in the 3d line page 7 printed rules and inserting in lieu thereof the word triplicate, and also by striking out the word one in the same line and inserting in lieu thereof the word two.

It is also ordered that in case of appeal the clerk may use one of the copies so filed with him in making one transcript. This order in so far as it requires the filing of papers in triplicate shall be applicable to all pending cases.

Ordered that Rule No. 2 be amended by adding after the words "official use" at the end of the first paragraph the following, "said copies shall be type written on white paper 13 inches long and 8 inches wide."

HISTORICAL SKETCH.

In the year 1511 a board was created by Ferdinand II and remodeled by Charles V in 1524 for the exclusive superintendence of the affairs of the Colonies and has since been known as the Supreme Council of the Indies.

At this Council the King was supposed to constantly preside in person; orders and decrees, though emanating from the Crown, were to be communicated through it before they acquired the force of law; and all projects of reform were to receive its sanction before they could be carried into execution.

The Spanish Colonies in America were divided into four Viceroyalties: Mexico, Peru, Rio de la Plata (Buenos Ayres) and New Granada; and five Captain-Generalships which comprised the peninsular of Yucatan, Guatemala, Chili, Venezuela and the island of Cuba.

The Captains-General, although holding positions of minor importance, were independent of the Viceroys, as were the Viceroys of each other. In Mexico the Viceroy was endowed with all the prerogatives of royalty and considered as the alter-ego of the King.

In 1528 the Royal Audience was established with its location at the City of Mexico, the Viceroy being *ex officio* President of the same. This body possessed a great deal of power and influence; it had control over all other tribunals, ecclesiastical as well as civil, and enjoyed the privilege of corresponding directly with the sovereign and with the Council of the Indies.

The members of the same were all Europeans; the Viceroy was the executive officer of the Viceroyalty and exercised governmental functions, while the Audience was the judicial body. An appeal lay from the executive acts of the Viceroy to the Audience.

The first Viceroy of Mexico was appointed in 1535, and his powers are defined in Book 3, Title 3, Law 2, Laws of the Indies. (2 White, pp. 38-9.)

In this definition of his powers, the right to dispose of the public lands was not expressly given, but, as it is so general and sweeping in its terms, and as he was considered the alter-ego of the King, it has been assumed therefrom that his powers were viceregal.

In 1560 another Audience was established in Mexico, dividing the country into two audiencial districts, although no Viceroy was appointed for this new audiencial district. (Hall's Mexican Law, Sec. 10, p. 4.)

New Mexico remained under the jurisdiction of the Audience at the City of Mexico until 1728, when it was transferred to that of Guadalajara. (Hall's Mexican Law, Sec. 12, p. 6.)

By Law 16, Title 12, Book 4, Laws of the Indies, promulgated June 16th, 1617, before definitive title to the public lands passed against the Crown, the acts of the colonial officers were to receive royal confirmation. In other words, the grantees of lands never received the highest grade of title under the Spanish system until the King approved the acts of the officers initiating the same. This requirement, however, must have at some time been modified, for the next law we find upon the subject is the royal cedula of November 24th, 1735, wherein the King required that the grants of lands should be submitted to him for confirmation before final title should pass to the grantees, thus showing that between 1617 and 1735 there must have been a time when some one save the King had authority to confirm titles initiated by the colonial authorities.

By the royal cedula of October 15th, 1754, the Viceroy and Presidents of the Royal Audiences were empowered to appoint sub-delegates with authority to make sales and compositions of crown lands in New Spain, and the sub-delegates in their turn were also authorized to appoint deputies in distant Provinces.

The sub-delegates were required to forward the original proceedings had by them on land locations to the Audiences for approval and, when approved by the Audiences, the sub-delegates issued the titles, which were then sent to the Audiences for confirmation. (2 White, p. 62; Hall, p. 31; Compilation, p. 50.)

On the 22nd of August, 1776, the office of Commandant General was created by royal cedula of that date. His jurisdiction extended over what was called the Internal Provinces, including Coahuila, Texas, New Biscay, Sonora, the Californias and New Mexico, and he was independent of the Viceroy.

The first Commandant General was Teodore de Croix. (Hall, 8-75.)

He petitioned the King to divide his territory, but no action was taken till 1786, when by royal order New Biscay and New Mexico were placed under a Commandant-Inspector, and Coahuila and Texas under Don Juan Ugalde, the Commandant General himself having charge of Sonora and the Californias and exercising general supervision over the whole of the Internal Provinces.

Prior to December 4th, 1786, Mexico, or New Spain, was divided into ten kingdoms or provinces, as follows: 1. Kingdom of Mexico. 2. New Galicia, (Guadalajara). 3. New Leon. 4. New Santander, (Tampico). 5. Texas. 6. Coahuila. 7. New Biscay, (Durango). 8. Sonora and Sinaloa. 9. New Mexico, and 10. Upper and Lower California.

And they were, at that time, divided into forty-two districts or ***alcaldias mayores*** (territorial division under a Chief Alcalde).

Under and by virtue of the Ordinance of Intendants of December 4th, 1786, New Spain, with the exception of the Californias, was divided into twelve Intendancies, as follows: Mexico, Puebla, Guadalajara, Oaxaca, Guanajuato, Merida de

Yucatan, Valladolid, San Luis Potosi, Durango, Vera Cruz, Zacatecas, and Sonora and Sinaloa (Arizpe).

Each of the foregoing political divisions was entrusted to an officer under the name of Intendant, who had jurisdiction in the four Departments of Justice, Police, Treasury and War, but the Intendants of Sonora and Sinaloa (Arizpe) and Durango, in matters of Justice and Police, were subordinate to the Commandants General of their Provinces, and the other ten to the Viceroy, and all of them to the territorial Audiences.

There was also to be an Intendancy General of the Army in the City of Mexico, and the Intendant General was the Delegate in Mexico of the Superintendency General of the Royal Treasury of the Indies.

A Superior Board of the Treasury, to reside in the City of Mexico, was also created and the Intendant General was its President.

Under Article 81 of the Ordinance of Intendants, these officers were empowered to make sales and compositions of the crown lands in their several Provinces. The original proceedings had by them were to be forwarded to the Superior Board of the Treasury for approval. The Intendants issued the titles upon such approval and the titles were again forwarded to the Board for confirmation. (Hall, p. 40; 2 White, p. 71; Compilation, p. 60.)

December 3rd, 1788, regulations were made by the Viceroy subject to the approval of the King and to go into effect January 1st, 1789. By Article 1, the Commandant General, who was Don Jacobo Ugarte y Loyola, remained in command of the Californias, Sonora, New Mexico and New Biscay. This was called the Commandancy General of the four Internal Provinces of the Occident. Under him there were one Commandant-Inspector and three Assistant Inspectors. The Commandant had no fixed residence, but traveled from place to place.

Article 9 established a second Commandancy General comprising Coahuila, Texas, New Kingdom of Leon, and the

Colony of New Santander under the name of Commandancy General of the four Provinces of the Orient, under Colonel Juan Ugalde.

The Plan of Pitic became the Law on Colonization of the Commandancy General of the four Internal Provinces of the Occident, which were the Californias, New Biscay, Sonora and New Mexico, and was promulgated by the Commandant General at Chihuahua on the 14th of November, 1789. (Hall, p. 52.)

October 22nd, 1791, the then Commandant General, Pedro de Nava, with the approval of the Viceroy, promulgated at Chihuahua what is known as the "Order of Pedro de Nava." This order provided for the allotment of lands by the Captains and Commandants of Presidios within the presidial jurisdiction. (Hall, p. 42; Compilation, p. 62.)

This "Order of Pedro de Nava" was revoked on the 19th of January, 1793, because in violation of Article 81 of the Ordinance of Intendants, which gave those officers exclusive jurisdiction over the sale, allotment and composition of crown lands in the Provinces under their jurisdiction. (Compilation, p. 63.)

By the royal cêdula of March 23rd, 1798, it was provided that the transmittal of the final titles to the Superior Board of the Treasury for confirmation should be dispensed with upon the payment of two per cent of the price, but this provision did not dispense with the transmittal of the original proceedings had by the Intendants as required by article 81 of the Ordinance of Intendants. When the price was less than two hundred dollars, the officers proceeded without compensation from the petitioner other than the two per cent. (Hall, p. 42; Compilation, p. 65.)

April 14th, 1809, the Spanish possessions in America were declared to be no longer colonies, but essential and integral parts of the Spanish Monarchy, and given direct representation in the Central Council of Government of the Kingdom. (C. L., Vol. I, page 326.)

In consequence of the abdication of Charles IV and Ferdinand VII, in 1808, the French armies invaded Spain, causing a general uprising of the people in defense of their independence. In the greater part of the Provinces of Spain Councils (Juntas) of Government were created, each of which aspired to concentrate in itself the power of the Kingdom. Anarchy would have been inevitable except for the establishment of a Central Council (Junta) of Government. When Ferdinand VII left Spain the government of the Kingdom devolved upon the Regency provided for in the laws of the country, but numerous Councils throughout the Kingdom refused to recognize the Regency. When the Central Council of Government was formed it recognized the Regency and gave way to it. The latter in its efforts to resist the French invasion decided to summon the people to the election of an extraordinary Cortes, which was installed September 24th, 1810.

March 18th, 1812, at Cadiz, the Cortes promulgated the Constitution of the Spanish Monarchy. Chapter II provides for the political government of the Provinces and creates Provincial Deputations. (Compilation, p. 79.)

January 4th, 1813, the Cortes provided, by decree, for the disposal of all the vacant lands in the Spanish dominions to private individuals and to the defenders of the country. (Hall, p. 45; Compilation, p. 83.)

June 23rd, 1813, the Cortes decreed instructions for the politico-economic government of the Provinces. (Compilation, p. 88.)

Ferdinand VII recovered his liberty by virtue of the Treaty of Valencia, entered Spanish territory and by a decree issued at Valencia on May 4th, 1814, dissolved the Cortes, refused to recognize the representative regime and re-established the absolute monarchy, which lasted till 1820.

October 22nd, 1814, at Apatzingan, the Supreme Mexican Congress prepared and sanctioned a Constitution for the government of Mexico, which it declared to be an independent nation. This action was premature and never had any effect.

The "Grito de Dolores" (the shout at Dolores) made by Hidalgo, in the small town of Dolores, in the States of Guanajuato, in the night of September 15th, 1810, inaugurated the revolution that resulted in the independence of Mexico.

The revolution thus commenced was carried on in a desultory manner, with varying success, until February 24th, 1821. On that day the Plan of Iguala, asserting Mexico's independence of Spain, was adopted and proclaimed by the revolutionists at the town of Iguala.

From this time on they were generally successful, and on August 24, 1821, what is known as the Treaty of Cordoba was signed at that village by General Augustin Iturbide for Mexico and Viceroy Juan O'Donoju for Spain, the latter, however, not acting under authority of Spain previously obtained. By this treaty the independence of Mexico was recognized, a constitutional monarchy established and Ferdinand VII invited to the throne. Hostilities did not cease, however, until Iturbide took the City of Mexico on September 27th, 1821, by which act the independence of Mexico was consummated.

A Provisional Council (Junta) consisting of thirty-six members was at once created under the Plan of Iguala, and this body appointed a regency of five persons, with Iturbide as President and Commander-in-Chief of the Army and Navy.

Spain disapproved the treaty of Cordoba on February 13th, 1822.

February 24th, 1822, a Congress elected under the provisions of the Plan of Iguala and Treaty of Cordoba, assembled at the City of Mexico for the purpose of forming a Constitution. A struggle at once commenced between this Congress and Iturbide, which culminated in the election by Congress of

Iturbide as Emperor on May 19th, 1822, and he was crowned Emperor on July 21st 1822. (Layes Fundamentales, 92-93.)

October 30th, 1822, Iturbide dissolved the Constituent Congress by force and created in its place the "National Instituent Council (Junta)." (Id. 93.)

This Council was installed November 2nd, 1822. (Id. 94.)

December 5th, 1822, Santa-Anna, in arms against the Empire, proclaimed at Vera Cruz the abolition of the Empire and declared for a Republic and the restoration to Congress of its powers. (Id. 103.)

January 3rd, 1823, the National Council passed what is known as the "Colonization Law of Iturbide"; on the next day, January 4th, it was signed by the Emperor and promulgated It provided for two kinds of grants: the one to promoters (empresarios), who should bring in two hundred families under contract with the Executive, and the other to individuals to be made by the Common Councils (ayuntamientos). (Rockwell, p. 617; Hall, p. 103; Compilation, p. 100.)

From December 5th, 1822, Santa-Anna and other generals remained in arms against the Empire until they were finally successful.

March 7th, 1823, the Constituent Congress reconvened, and on March 19th Iturbide presented his abdication to that body, which refused to allow him to abdicate, but on April 7th, 1823, declared that his coronation had been an act of force and violence and void, as were also hereditary succession and all titles that had emanated from the Crown. It further declared that all the acts of the government from May 19th, 1822, till March 29th, 1823, were illegal and subject to revision by the then present government for revocation or confirmation. (Compilation, p. 106.)

April 11th, 1823, an order was made by Congress suspending the Colonization Law passed by the National Council, the Iturbide Law, until a new resolution on the subject should be enacted. (I White, p. 594; Compilation, p. 108.)

June 17th, 1823, Congress passed an election law, in which it was provided that "the day following that of the election of Deputies to Congress, the same electoral board shall renew the Provincial Deputations in their totality, being at liberty to reelect the persons who at present compose them." (L. C., Vol. I. p. 656.)

January 31st, 1824, the Constituent Congress adopted what is known as the Constitutive Act, under which the General Constituent Congress was elected. It was provided by this Act that the Territories should be directly subject to the Supreme Power, which was divided into legislative, executive and judicial. (I White, p. 375; Compilation, p. 116.)

The General Constituent Congress, on August 18th, 1824, passed the Colonization Law of 1824. (Rockwell, p. 451; Hall, p. 148; Compilation, p. 121.)

Section 16 of said law is as follows:

"The government, under the principles established in this law, shall proceed to the colonization of the territories of the Republic."

New Mexico at the date of the passage of this law was a territory. January 31st, 1824, by the Constitutive Act of the Federation, it was made a part of the Internal State of the North, which consisted of the former Provinces of Chihuahua, Durango and New Mexico, and remained so until July 6th, 1824, when it was constituted a territory. (Compilation, p. 117.)

It continued a territory until December 30th, 1836, when it became a Department. (Compilation, p. 203.)

October 4th, 1824, the Constituent Congress adopted the Constitution which remained in force until the new Constitution of December 29th, 1836, was adopted. (I White, p. 387; Compilation, p. 124.)

This Constitution does not prescribe any form of government for the territories, but provides that Congress shall pass laws for that purpose. I can find no law directly on the subject, but numerous laws at a subsequent date recognize the existence in the territories of Governors and Territorial Deputations. The Territorial Deputation is evidently the successor of the Provincial Deputation created by the decree of the Cortes of Spain of June 13th, 1813, the renewal of which was ordered by the law of June 17th, 1823.

March 12th, 1828, Congress enacted a law in reference to foreigners and how they might obtain public lands, and declared that the Colonization Law of 1824 "remains in force." (Compilation, p. 140.)

November 21st, 1828, regulations to carry into effect the provisions of the Colonization Law of 1824 in the territories were promulgated by the Executive. (Compilation, p. 141.)

April 6th, 1830, Congress enacted the law given herein at page 77d, and also Rockwell, p. 621, and Hall, p. 108.

This law was repealed by that of November 21st, 1833, also given herein at page 106, and Rockwell, p. 623.

By the law of April 25th, 1835, the frontier and litoral States were prohibited from selling the vacant lands within their boundaries without the previous approval of the general government. ***Attention is called to this law.*** (Rockwell, p. 626; Compilation, p. 193.)

October 3rd, 1835, the State Legislatures were abolished and Departmental Councils (Juntas) established. Nothing is provided with reference to the territories.

This marks the beginning of the first epoch of the Central System of Government. (Compilation, p. 195.)

October 23rd, 1835, bases for a new Constitution were adopted, which declared that the national territory should be divided into Departments, the number, extent and subdivision to be determined by a future law. It provided for the government of the Departments, appointment of Governors, election of Departmental Councils, etc. (Compilation, p. 201.)

December 29th, 1836, the new Constitution was adopted. It provides, among other things, that the national territory shall be divided into Departments, provides for the appointment of Governors and the election of Departmental Councils, and defines their powers. (Compilation, p. 203.)

December 30th, 1836, the country was divided into Departments and New Mexico and Sonora were made Departments. (Compilation, p. 209.)

March 20th, 1837, regulations were made by Congress for the government of the Departments, and the powers and duties of the Governors and Departmental Councils were defined therein. (Compilation, p. 211.)

April 4th, 1837, the Colonization Law and all other land laws were repealed and the general government, in concurrence with its Council, directed to colonize the lands of the Republic by sales, leases or mortgages, and the 11th Article of the law of April 6th, 1830, was re-enacted. (Rockwell, p. 627; Compilation, p. 222.)

April 12th, 1837, the Supreme Government, by decree, created a national consolidated fund mortgaging 100,000,000 acres of public land in New Mexico, the Californias, Chihuahua, Sonora and Texas, to guarantee said fund. (Rockwell, p. 627.)

April 17th, 1837, Congress passed a general revenue law. (Compilation, p. 224.)

September 15th, 1837, a convention between the English holders of Mexican bonds and the Mexican Government was had, which embodied substantially the provisions of the decree of April 4th, 1837, and also reserved 25,000,000 acres of land bordering on the Atlantic for the security of the deferred bonds. (Compilation, p. 227.)

June 1st, 1839, the convention of London made September 15th, 1837, was approved and the government required to make the reservations contained in the decree of April 4th, 1837, of lands for rewards offered the Army of Independence, in Yucatan and the Californias, and of lands for Indians the lands nearest the frontiers, and of lands for the soldiers of the Texas war on the coast of the Gulf of Mexico, not less than twenty-five leagues from the Gulf. (Compilation, p. 232.)

Regulations were issued for carrying into effect this law, the 16th article of which provides for a Board of Sales. (Rockwell, pp. 630-1.)

August 8th, 1841, while Bustamente was President, General Mariano Paredes, at the head of the garrison of Guadalajara, rebelled against the government. Other leaders joined him and this revolution succeeded.

September 28th, 1841, these leaders and others met at Tacubaya and agreed upon what are known as the "Bases of Tacubaya." The Constitution of 1836 was abrogated thereby and provision made for the election of a Congress for the sole purpose of forming a new Constitution. Meanwhile, the Departmental authorities then in office were to continue, the General-in-Chief, Santa-Anna, was to appoint a Council composed of two members from each Department, which was to select a provisional Chief Executive, and this Council was to act in place of Congress until a Council to be elected by the Departments should convene. Congress was dissolved. (Compilation, p. 234.)

October 9th, 1841, the Provisional Council elected Santa-Anna President.

December 10th, 1841, an election was ordered for members of the Constituent Congress provided for by the Bases of Tacubaya, and on June 10th, 1842, this Congress convened.

March 11th, 1842, Santa-Anna promulgated a decree relating to foreigners, and among other things declared that they could not acquire public lands without contract with the general government. (Hamilton, p. 157; Compilation, p. 240.)

December 19th, 1842, the acting President, Nicolas Bravo, dissolved this Congress and summoned what was called a "Council of Notables," under the 7th of the Bases of Tacubaya. This action virtually made Santa-Anna Dictator.

June 13th, 1843, Santa-Anna promulgated the new Constitution called the "Bases Organicas," adopted by the Council of Notables, and by which he was elected President.

The powers and duties of the Governors of Departments are defined by said Constitution, as well as those of the Departmental Assemblies. (Compilation, p. 243.)

December 9th, 1843, it was decreed that the value of public lands not otherwise obligated be applied to the payment of the credits caused by the redemption of copper coin. (Compilation, p. 250.)

December 29th, 1843, Congress construed the first article of the decree of December 9th, 1843. (Compilation, p. 251.)

January 1st, 1844, the General Congress provided for by the Constitution convened.

November 1st, 1844, Paredes proclaimed the suspension of Santa-Anna from the Presidency, and on the 29th, while Santa-Anna was in the field against Paredes, the acting President, Canalizo, suspended Congress and prevented it from assembling.

December 6th, 1844, the people and garrison of Mexico rebelled against the government of Santa-Anna and re-established the Constitution and General Herrera assumed the exercise of the executive power as President of the Council, and on December 17th, 1844, Congress removed Santa-Anna from the Presidency and appointed General Herrera Acting President.

January 17th, 1845, Santa-Anna was imprisoned and on May 24th, Congress having granted a general amnesty, he left the country.

December 14th, 1845, General Paredes rebelled against the government and promulgated the Plan of San Luis Potosi. This rebellion was successful, and on January 2nd, 1846, the "General Act of the Army" was adopted by the leaders. It provided for the election of a President by a Board to be appointed by Paredes and declared the Constitution, in so far as it conflicted with this Plan, of no effect.

On the next day Paredes was elected Acting President under this Plan.

May 13th, 1846, war between the United States and Mexico was declared.

August 4th, 1846, General Mariano Salas overthrew the government of Paredes, and on August 22nd the Constitution of 1824 was re-established and a call made for a Congress to be elected under its provisions, Salas acting as President.

This marks the end of the first epoch of the Central System of Government.

Meanwhile, on August 18th, 1846, General Kearney entered Santa Fe and took possession of New Mexico in the name of the United States.

September 17th, 1846, Salas promulgated a general Revenue Law declaring, among other things, that the proceeds from the sale of free lands were federal revenues. (Compilation, p. 257.)

November 27th, 1846, the Bureau of Colonization was established. (Rockwell, p. 630; Compilation, p. 261.)

December 4th, 1846, regulations for carrying into effect the decree of November 27th were issued and contained minute instructions for the survey and sale of public lands. (Compilation, p. 263.)

December 6th, 1846, the Congress elected under the Constitution of 1824 convened and on the 23rd elected Santa-Anna President.

May 18th, 1847, this Congress adopted the Constitutive Act of January 30th, 1823, and the Constitution of October 4th, 1824, as the organic law, with several amendments.

Santa-Anna was President till November 11th, 1847, when Pedro Anaya was elected as Acting President by Congress. He and de la Pena, President of the Supreme Court, acted as President at different times till May 30th, 1848, when Joaquin de Herrera was elected President by Congress.

February 2nd, 1848, the treaty of Guadalupe-Hidalgo was concluded, ratifications exchanged on May 30th, 1848, and the treaty proclaimed July 4th, 1848.

January 9th, 1851, Congress elected Mariano Arista President.

September 13th, 1852, the military forces of Jalisco at Guadalajara proclaimed the deposal from the Presidency of Arista and adopted a "Plan," which was amended on October 20th, 1852, and in its modified form is known as the "Plan of Jalisco." (Compilation, p. 308.)

January 6th, 1853, Arista resigned from the Presidency and under Article 98 of the Constitution of 1824, J. B. Ceballos, President of the Supreme Court, assumed control of the government.

January 19th Ceballos dissolved Congress and issued a call for an "Extraordinary Congress" to convene on June 15th.

February 4th, 1853, General Uraga and others promulgated an act modifying the Plan of Jalisco and on February 6th this was adopted. This so-called Plan virtually provided for the election of a Dictator. Ceballos declined to accept the position tendered him thereunder and General Lombardini was selected by the Generals to act as Supreme Executive Power until an election could be held under said Plan. (Compilation, p. 312.)

March 17th, 1853, Santa-Anna was declared elected President under this Plan, and on the 22nd of April issued his decree establishing "Bases for the Government of the Republic until the Promulgation of the Constitution." By these Bases he dissolved all legislative bodies throughout Mexico, and assumed supreme power.

This began the second epoch of the Central System of Government.

The Constitution was not promulgated till March 15th, 1857. (Compilation, p. 317.)

September 21st, 1853, while exercising this power, he abolished the States and again created them Departments. (Compilation, p. 323.)

November 25th, 1853, Santa-Anna issued his decree of that date nullifying sales of lands made under the orders or enactments of the legislatures, governments or local authorities of the States or Territories. (Compilation, p. 324.)

December 16th, 1853, Santa-Anna having been acting as Dictator since April 22nd declared himself perpetual Dictator. (Compilation, p. 325.)

December 30th, 1853, the treaty between the United States and Mexico, known as the Treaty of Mesilla or "Gadsden Purchase," was concluded, ratifications were exchanged between the two governments and the treaty proclaimed June 30th, 1854.

March 11th, 1854, a revolution was started at Acapulco and a "Plan" adopted. This revolution was finally successful and on August 16th, 1855, Santa-Anna fled from the country.

Meanwhile, on July 7th, 1854, Santa-Anna made a decree requiring all titles to lands made between September, 1821, and the date of this decree to be submitted to the revision of the general government, otherwise they were to be void, and declaring that all titles made during the period of the Central System are void, and those made during the period of the Federal System are void if they were not made for the purpose of promoting colonization, which was the purpose of the law of August 18th, 1824. It was also declared that alienations made by the Departments or States, declared void by this decree, may be made valid if the holders of such lands obtain the approval of the supreme government, and pay into the public treasury what it considers to be the value of the land. A method is provided for the presentation of all such titles to the supreme government and six months is the period limited in which it may be done. (Compilation, p. 326.)

August 20th, 1855, the time for presentation of titles for confirmation was extended six months. (Compilation, p. 328.)

December 3rd, 1855, the decrees of November 25th, 1853, and July 7th, 1854, were repealed. (Compilation, p. 329.)

Particular attention is called to the distinction by the Mexican authorities between grants made under the Central System, and to what were declared by them to be the requisites of legal grants made under the two systems.

The law of July 7th, 1854, declares that grants made by the local authorities under the ***Federal System not in conformity with the Colonization Law of 1824*** are void and those made by the local authorities under the ***Central System, without the knowledge and approval of the general government,*** are void.

The law of December 3rd, 1855, purports to repeal the law of July 7th, 1854, but in effect re-enacts it. It provides that grants made by the local authorities of the States and Territories under the ***Federal System,*** pursuant to authority conferred upon them by law, are valid, and those made by the local authorities of the Departments and Territories under the ***Central System,*** with the ***express authorization or consent of the supreme government,*** are valid and all others are invalid. From these laws it will clearly be seen that the Mexican lawmakers believed that, under the Central System, a valid grant could not be made without the express authority of the supreme government, while, under the Federal System, a valid grant could only be made under the provisions of the Colonization Law of August 18th, 1824.

DEFINITIONS.

An *expediente* is the proceedings had on any matter, such as applications for land, the hearing of a civil or criminal cause, etc. It is a complete statement of every step taken in the proceedings, is original in all its parts and is the only original.

The *expediente* or matrix is always kept in the archives. A preamble or granting clause, in the case of land, is NEVER attached to it.

A *testimonio* is the first copy of the *expediente*. It is that copy given to a party. It is sometimes called the second original. In the case of land, it is always preceded by a preamble citing the laws under which it is made and is followed by the granting clause or grant signed by the granting officer. The preamble and grant and the signature of the granting officer are the only parts of it that are original.

"*Toma de razon* is the taking of a note or memorandum." As applied to land grants, it is a note or memorandum of the issuance of the *grant* or *final title* (patent), entered in a book provided for that purpose.

The grant or final title paper is attached to the *testimonio*, or first copy of the *expediente*, sometimes called second original, and is delivered to the grantee as evidence of title. The only record evidence of the issuance of the grant or patent, is the entry made at the time in a book, which is called the *Toma de razon*, and it contains nothing but such memoranda as will identify the grantee, date of the grant, and property granted. (Reynolds.)

A *pregon* is a proclamation or advertisement usually made by a public crier called a *pregonero*.

An *almoneda* is a public offer to sell, lease or rent, and is usually made by a public crier.

A *remate* is the closing of an offer to sell, lease or rent.

A *finca* is a tract of land the fee to which has, at some time, passed from the government, although it may have returned, whether in town or country, whether improved or not, whether it produces anything or not, and whether taxed or not. *Fincas* are all those lands that are not *baldios* or public lands, wild, unimproved lands belonging to the Nation.

The words, *senal de mojonera*, are nearly always translated wrong. *Senal* is a sign or mark and *mojonera* the site or place for a monument.

Cuadra is the line at right angles or perpendicular to some other line.

Cuadratura is the act of measuring or determining the line at right angles to some other line; the act of being at right angles.

1 vara=32.99 inches=2.759 feet.
1 cordel=137.95 feet=2.09 chains.
1 chain=0.478 cordel.
1 Mexican league=209.01 chains=2.6 miles.
1 sitio=4338.464 acres.
1 caballeria=105.75 acres.
1 acre=5762 square varas.

LAWS OF THE INDIES RELATING TO TOWNS AND COMMUNITIES.

Book III, Title II.

Law LVI.—That the Governors may appoint Lieutenants, by virtue of the authority they have and the laws that provide therefor.

The Governors, who shall be appointed by us, may appoint, in the cities in their district, the Lieutenants for which they have authority, by virtue of the commissions they have from us, and the Laws of the Indies and of these Kingdoms of Castile, that provide therefor.

Book IV, Title V.

Law VI.—That the contract for towns with Alcaldes of ordinary jurisdiction and Aldermen be made pursuant to this law.

If the location of the ground be suitable for founding a town for Spaniards, with a Council of Alcaldes of ordinary jurisdiction and Aldermen, and if there be a person who will take a contract to found it, the contract shall be made with these conditions:

That, within the term which shall be fixed for him, he have at least thirty persons, and each one of them a house, ten breeding cows, four oxen, or two oxen and two yearlings, one brood mare, one breeding sow, twenty Castillian breeding ewes, and six hens and one cock; he shall also appoint a priest to administer the Holy Sacraments, who shall be chosen by him the first time and thereafter shall be subject to our Royal Patronage; and he shall provide the church with the ornaments and articles necessary for divine worship, and he shall give bond to comply therewith within said time; and if he does not comply therewith he shall lose all that he may have built, cultivated or earned, which we will apply to our Royal Patrimony, and he shall also incur the penalty of one thousand dollars in gold for our

Chamber; and if he complies with his obligation, four leagues in boundary and territory, in a square or oblong, according to the quality of the land, may be given him, in such a manner that, if it be surveyed, the four leagues be in a square, with the condition that the boundaries of said territory be at least five leagues distant from any city, town or place of Spaniards previously settled, and that it cause no prejudice to any Indian town or private person.

Law VII.—That, when there is a contract for more or less settlers, it be made with the corresponding boundaries and territory, and upon the same conditions.

When there is some one who desires to obligate himself to form a new settlement, in the manner prescribed, of more or less than thirty settlers, the corresponding boundary and territory shall be granted him and upon the same conditions, provided there are not less than ten.

Law VIII.—That the children and relatives of settlers be reputed settlers as is ordered.

We declare as settlers of the new settlement the son or daughter of the new settler, and his relatives of whatever degree, although beyond the fourth, provided they have distinct and separate houses and families and are married.

Law IX.—That the principal settler make a contract with each individual registered for settlement.

In the contracts for new settlements which the government shall make, or those who shall be authorized to make them in the Indies, with the classification of city, with a Governor, Chief Alcalde or Alderman, he who takes the contract shall also contract with each one of the individuals registered for settlement and shall obligate himself to give, in the town designated, lots for building houses, pasture and farming lands to the extent of as many *peonias* and *caballerias* as each one of the settlers shall obligate himself to build upon; *provided*, it does not exceed more than five *peonias* or more than three *caballerias* to each one, according to the distinction, difference and measurement prescribed in the laws of the title on the distribution of lands, lots and waters.

Law X.—That, when there is no individual settler but married settlers, the right to settle may be granted them; *provided,* they are not less than ten.

When several private persons shall agree among themselves to form a new settlement, and there shall be a number of married men for the purpose, license shall be granted them, provided there are not less than ten married men, and boundary and territory shall be given them, with reference to what is stated, and we grant them power to elect, annually, from among themselves, Alcaldes of ordinary jurisdiction and officers of the Council.

Law XI.—That he who makes a settlement have the jurisdiction which, by this law, is granted him.

He who contracts for the new settlement of a city, town or colony, may have the civil and criminal jurisdiction, in the first instance, for the days of his life and for those of a son or heir; and may appoint the Alcaldes of ordinary jurisdiction, Aldermen and other officers of the Council of said town; and in order of appeal causes may go before the Chief Alcalde, or the Audience in whose district the settlement may be made, and if it should be desirable to contract in some other form, that form shall be observed and complied with.

Book IV, Title VIII.

Law VI.—That the Viceroys, Audiences and Governors grant no city or town titles.

We order that, for no cause or reason, the Viceroys, Audiences, Governors or any other officers of the Indies, however high that may be, give city or town titles to any of the towns or places of Spaniards or Indians, and that they do not exempt them from the jurisdiction of their principal provincial capitals; with the understanding that they will be held responsible at their places of residence, because this favor and power must be asked of our Council of the Indies, and we declare as void the titles which, in contravention of the contents of this law, shall be given to any towns or places; and in regard to new towns or settlements, the provisions of law shall be observed.

Book IV, Title XII.

Law XIV.—Owners of lands, etc., having a lawful right thereto to be maintained in the possession of the same; the others to be restored to the King.

Whereas we have fully inherited the dominion of the Indies; and whereas the waste lands and soil which were not granted by the Kings, our predecessors, or by ourselves, or in our name, belong to our patrimony and royal crown, it is expedient that all the land which is held without just and true titles be restored, as belonging to us, in order that we may retain, before all things, all the lands which may appear to us and to our Viceroys, Audiences and Governors, to be necessary for public squares, liberties (*exidos*), reservations (*propios*), pastures, and commons, to be granted to the villages and councils already settled, with due regard to their present condition as to their future state, and to the increase they may receive, and after distributing among the Indians whatever they may justly want to cultivate, sow and raise cattle, confirming to them what they may want besides, all the remaining land may be reserved to us, clear of any incumbrance, for the purpose of being given as rewards, or disposed of according to our pleasure. For all this we order and command the Viceroys, Presidents and Pretorial Audiences, whenever they shall think fit, to appoint a sufficient time for the owners of land to exhibit before them and the ministers of their audiences, whom they shall appoint for that purpose, the titles to lands, estates, Indian settlements, and *caballerias*, who, after confirming the possession of such as hold the same by virtue of good and legal titles, or by a just prescription, shall restore to us the remainder, to be disposed of according to our pleasure.

Book V, Title II.

Law XXXVI.—That the Viceroys, Presidents and Audiences do not appoint Lieutenants for the Governors, Magistrates and Chief Alcaldes.

We order the Viceroys, Presidents and Audiences, in office, not to assign or appoint Lieutenants to the Governors, Magistrates or Chief Alcaldes, whom we appoint, and they, by virtue of our authority, may appoint and they are permitted to appoint, assign, remove and dismiss, for just cause, and that the reports of their proceedings and redress for the damages that may result be under the responsibility of the Viceroys, Presidents and Audiences.

Book V, Title XII.

Law XII.—That the Chief Alcaldes do not have cognizance, except on appeal, of causes pending before the Alcaldes of ordinary jurisdiction.

It is our will that the Chief Alcaldes do not have jurisdiction of what the Alcaldes of ordinary jurisdiction have begun to take cognizance of, except it be on appeal, in the cases in which, according to law, justice and custom lawfully introduced and observed, they can do so.

Book XI, Title VIII.

Law IV.—The time necessary to prescribe the seignory of towns and their jurisdiction, civil and criminal, with the exception of the supreme, and the taxes and tributes belonging to the King.

Whereas certain persons in our kingdoms hold and possess certain cities, towns and places and jurisdiction, civil and criminal, without having our title for the same nor that of the Kings, our predecessors, it has been questioned whether the same can be acquired against us and our crown by time, we order and direct that immemorial possession, proved in full conformity with the conditions required by the law of Toro, Law I, Title

XVII, Book X, is sufficient to acquire against us and our successors any cities, towns and places and jurisdiction, civil and criminal, and everything and part of the same, together with the things to the seignory and jurisdiction annexed and appertaining; provided that the said time of the said prescription shall not be interrupted nor broken by us or by our order or by others in our name, either naturally or civilly; but the supreme jurisdiction, civil or criminal, which Kings have by royal supremacy or power, which is to act and do justice when other lords and justices fail to do so, this can never be gained nor prescribed by said time, nor by any time whatsoever; and so, by that which the laws say, that the things of the kingdom cannot be gained by time, the taxes and tributes due to us shall be understood.

GALVAN'S ORDINANCES ON LAND AND WATER.

Royal Instructions of October 15th, 1754.

THE KING.—Experience having shown the damage done to my vassals in the kingdoms of the Indies by the provisions given in the Royal Instructions of the 24th of November, 1735, providing that those who enter upon crown lands in those dominions shall apply necessarily to my royal person for the confirmation of the same within the time set for them, under penalty of losing them if they should not do so, for which reason many persons fail to avail themselves of this opportunity, as they cannot pay the cost of the application to this Court, the land they have arranged for or bought being of little value or small tracts or only a few *caballerias*, and those who do apply, because their purchases are of greater consideration, do so at great cost, for the authenticated copies they have to present for that purpose, remittance of funds, appointment of agents, and other unavoidable expenses, which regularly exceed to a great extent the principal cost they have incurred in the purchase or composition of said royal lands before the sub-delegates, from which it results that many tracts and lands, which would supply neighboring provinces if farmed and devoted to stock-raising, are left without cultivation; and that other persons maintain themselves on lands usurped without title and do not cultivate them to the full extent possible for fear of being denounced and tried therefor, from which there also results injury to my royal treasury in the falling off of returns from sales and therefore to the public and to the State in those that come from farming and stock-raising; I have resolved that in the grants, sales and compositions of crown lands, *sitios* and wild lands, now made or which shall hereafter be made, the provisions of these instructions shall be strictly observed and enforced.

1. After the date of this, my royal resolution, the Viceroys and Presidents of my Royal Audiences in those kingdoms are hereafter specially charged with the appointment of the deputy officers who are to make and execute the sale and composition of the wild and other lands that belong to me in said dominions and shall issue them the proper appointment or commission, with an authentic copy of these instructions, with the precise condition that said Viceroys and Presidents give immediate notice to my Secretary of State for the General Bureau of the Indies, of the officers they deputize in their respective districts or localities where it has been customary to have them or may appear necessary to again create them, for their approval, leaving such as at present hold that office, it being understood that the latter and those whom the Viceroys and Presidents shall hereafter appoint may delegate their commission to others in such places or provinces as are remote from those of their residence, as was formerly done, my Council of the Indies and its officers, by virtue of this order, being prohibited from the management and direction of this branch of the Royal Treasury.

2. The judges and officers in whom is delegated the jurisdiction over the sale and composition of crown lands shall act with lenity, forbearance and moderation, with verbal and not judicial process, in questions of lands held by Indians, and of others where it may be necessary, and in particular where their farms, farming and stock-raising are in question; since in regard to community lands and those granted their towns for pastures and commons, there is no occasion to do anything new but to maintain them in possession thereof and to restore to them those that have been taken from them and give them more land as the exigencies of the population require, and do not use rigor in regard to those held by Spaniards and people of other castes, keeping in mind the provisions of Laws 14, 15, 17, 18 and 19, Title XII, Book IV, of the Compilation of the Indies.

3. As soon as these instructions and the appointments which are to be made in the manner referred to in Section 1 are received by each one of the present deputies and those who shall hereafter be appointed in each province, each shall on his own account issue general orders to the justices in the provincial capitals and principal places in his district, ordering that they be published therein in the manner customary with other general orders issued by the Viceroys, Presidents and Audiences in matters pertaining to my service, so that each and all persons who have held crown lands, whether populated or not, cultivated or farmed, from the year 1700 to the day of promulgation and publication of said order, shall appear before said deputy, in their own person or in those of their representatives or agents, with the titles or documents under which they hold them, and they shall set for this purpose a proper time proportional to the distance, with the understanding that they will be dispossessed and ejected from such lands and that they will be granted to others if, without just and satisfactory cause, they fail to appear and present their titles in the time set for them.

4. If it appears from the titles and documents which shall be so presented, and from any other lawful evidence, that they are in possession of said royal lands by virtue of a sale or composition made by the deputies who held that office prior to said year 1700, although they may not have been confirmed by my royal person, or by the Viceroys or Presidents, they shall leave them in free and peaceable possession thereof, cause them no trouble and charge them no fees for these proceedings, as provided in Law XV, Title XII, Book IV, of the Compilation of the Indies, already cited, noting on such titles as are presented that they have complied with that obligation, so that thereafter they shall not be molested, summoned, nor denounced, nor their succesors, in such royal lands, and if they have no title it will be sufficient to prove long possession as a just title by prescription; with the understanding that, if said

royal lands are not cultivated or farmed, they give them the term of three months, provided by Law II, of said Book and Title, or that which appears best for them to do so, with notice that on the contrary they will be granted to whoever denounces them with the same obligation to cultivate them.

5. The holders of land sold or adjusted by the several deputies from the year 1700 up to the present time shall not be molested, interfered with, nor denounced, now, nor at any time, if it appears they have been confirmed by my royal person, or by the Viceroys and Presidents of the Audiences of the several districts in the time when this requirement was in force; but those who hold them without this necessary requisite shall apply for the confirmation thereof to the Audiences in their district and to the other officers to whom the power is given by these new instructions, who, in view of the proceedings had by the deputies, in their order in regard to the survey and valuation of such lands and of the title issued by them, shall examine as to whether the sale or composition is made without fraud or collusion and at proportionate and equitable prices, with the presence and hearing of the Attorneys General, so that, with attention to every thing, and if it appears that the price of the sale and composition and the corresponding half annate tax have been paid into the royal depositories, and after performing whatever pecuniary service appears necessary, they may issue to them in my royal name the confirmation of their titles with which they will be established in the possession and dominion of such lands, waters or wild lands, and neither the holders nor their general or individual successors shall at any time be molested therein.

6. If, in the proceedings had on sales and compositions, not confirmed since the year 1700, it should appear that such royal lands had not been surveyed or appraised, as has occurred in some provinces, as is understood, the issue of the confirmation shall be suspended until such time as that shall be done, and in accordance with the greater value that shall result from the

survey and valuation, the pecuniary service, which must precede the confirmation, shall be regulated.

7. Likewise, there must be contained in the general orders which, as has been stated, are to be issued by the deputies to the justices of the provincial capitals and divisions of their districts, the clause that persons who have exceeded the limits of the lands bought or adjusted, appropriating to themselves, or putting themselves on to more land than that granted, whether the principal possession has been confirmed or not, appear necessarily before them for their confirmation, that title and confirmation may be issued to them after survey and valuation; with the understanding that lands so occupied shall be adjudicated at a moderate price to those who register them, and that likewise, royal lands occupied without title shall be adjudicated to the royal patrimony, although they are farmed, planted or have factories if, after the time set for them, the trespassing holders do not appear and manifest them, and enter into an arrangement for their composition and confirmation; all of which is to be complied with and enforced without exception of persons or communities, of whatever condition, or quality, they may be.

8. To those who register lands, soils, *sitios*, water, wild, or uncultivated lands, a suitable bounty will be given and composition, at a moderate price, will be allowed, in case of those occupied without title, when registered, and this also shall be included in the order which the deputies, to be appointed, shall cause to be published in their several districts.

9. The confirmations shall be issued by the several Audiences of provinces, and in my royal name, after the Attorney General of the same has passed on them, as stated, without other judicial expense on the part of the parties, than the fees for such provision, according to the tariff, for which purpose they shall call on the deputies in their district for the orders which have been made on the sale or composition, for which composition is asked, with which, and in accordance with the value at

which they have appraised the lands and in attention to the service I have been pleased to dispense to those, my vassals, by relieving them of the expense of applying to my royal person for confirmations, they may prescribe the pecuniary service to be performed for this new favor.

10. To avoid expense and delay in the dispatch of this business, as would happen, if, after the titles were issued by the deputies, the Audiences should order new proceedings of survey and appraisement, or others, the deputies should transmit for consultation, to the proper Audiences, the original decrees they have made in each case, which they consider terminated and in condition for the issue of the title, if no difficulty is offered, or for such other proceedings as may be ordered, and to facilitate in this manner the prompt issue of the royal confirmations without the duplication of new title.

11. Said Audiences shall have cognizance, in case of appeal, from the rulings and decisions of the deputies, in matters in which litigation may arise as to the sale or composition of royal lands, their location, survey and appraisement; by which means those vassals will avoid the expensive recourse to the Council and keep some, because not able to do so, from abandoning their rights.

12. In provinces remote from the Audiences, or where the sea is between, such as Caracas, Havana, Cartajena, Buenos Ayres, Panama, Yucatan, Cumana, Margarita, Puerto-Rico and others in like circumstances, confirmations shall be made by their Governors, with the approval of the royal officers and acting Attorney General, where there is one, and said officers shall likewise decide appeals from the deputy who may have been appointed, or shall be appointed, in each one of said provinces and islands, without applying to the Audience or Chancery of the district, except in case the two decisions are not in accord, and this officially and by way of consultation to avoid the expense of the recourse by appeal; and where there are two royal officers, the junior shall perform the offices of

defender of the Royal Treasury in these causes, and the senior that of Associate Judge, together with the Governor, consulting when there is no Auditor or Lieutenant Governor, and when the doubt is one of law, with any attorney, in or out of the district, and where there is only one royal officer, any intelligent person of the locality may be appointed defender of the Royal Treasury; it being equally the duty of the Governors, with their Associate Judges, to examine into the compositions made by their deputies in the same manner as stated in the case of the Audiences.

13. The proceeds of sales and compositions in each Audience and district, and the pecuniary service arising from confirmations, shall be entered as a separate account in a separate book in the corresponding royal depositories, and the Audiences and Presidents thereof and the Governors and royal officers of the districts shall render us an account, through my Secretary of the Bureau of the Indies, of what this branch of the Royal Treasury, has produced in each year, so that I may, in view of their report, use this revenue to the best interests of my service.

14. Inasmuch as the deputies who are to be appointed for the administration of this department are to charge parties no fees for what they do, I have seen fit to assign to each, by way of gratuity, two per cent of the proceeds of the sales and compositions made by them, as provided by the Council in its instructions of the year 1696, and the Notaries before whom they act shall receive only the fees provided in the tariff, to which they shall certify at the end of the proceedings, the several Audiences and Governors proceeding against them in case of contravention.

Every provision in these instructions is my will, and shall be exactly and punctually executed by my Viceroys, Audiences, Presidents and Governors of all my dominions of the Indies, and by the deputies and other persons charged, or who may be charged with its execution, without going against its terms for any cause or reason, because it concerns my royal service and the welfare of those vassals. And I command that these instructions be placed on file in the General Auditor's Office of the Council of the Indies, and in the Audiences, Chanceries, Governments and Cities, and that they be spread on their several books and in the Tribunals and Auditor's Office of the Royal Treasury and in other suitable places, where each and all may understand them and observe and follow them exactly and necessarily in the part that concerns them.

Given in San Lorenzo el Real, on the 15th of October, 1754.

I, THE KING.

EXTRACTS FROM INSTRUCTIONS OF VICEROY.

Articles 12 and 13, August 17th, 1773.

* * * * * *

12

With the desire that the settlement of the new establishments may be carried out in as short a time as possible, for the present, I confer on the Commandant power to designate community lands, and even also to apportion them to the Indians in particular, who dedicate themselves most to agriculture and stock breeding, since, as they have property of their own, the love therefor cling to them with greater firmness; but the Commandant will understand that it is very desirable not to permit them to live scattered, each one on the lands that shall be given him, but necessarily that they have their house and residence in the town or mission to which they have congregated or attached themselves as residents.

13

I confer like power on the Commandant, for the apportionment of lands to other settlers according to their merit, and what labor they can do by also living in the town and not scattered, with the observation that, in the execution of what this and the foregoing Article 12 prescribe, he is to proceed in strict compliance with what the Compiled Laws on towns and settlements provide, issuing them formal titles for the security of the owners without exacting anything of them for this act and that of possession.

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BUCARELI,
Rubric.

Mexico, August 17th, 1773.

ORDINANCE OF INTENDANTS.

DECEMBER 4th, 1786.

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Art. 7.—The political governments of Puebla de los Angeles, of New Biscay, and of Sonora and Sinaloa; the magistracies of New Mexico and Antequera de Oaxaca; that of Vera Cruz, which is to be created, and the office of Chief Alcalde or Magistracies of Valladolid, Guanajuato, San Luis Potosi and Zacatecas, are to go precisely and respectively united to the Intendancies which I establish in said capitals and their provinces, the salaries which those who fill any of said offices now receive are discontinued, and the President-Regent of the Audience of Guadalajara is for the present entrusted with the government of that Intendancy, and I command that the Intendants, therefore, have under their charge the four branches of the service or causes of Justice, Police, Treasury and War, giving them therefor, as I do, all the jurisdiction and powers necessary, with proper subordination and dependence, in so far as corresponds to the first two, those (governments) of Arizpe and Durango, to the Commandant General of their provinces, the remaining ten to the Viceroy, and all to the territorial Audiences, according to the distinction of commands, nature of the cases and matters within their cognizance, and in accordance with the Compiled Laws of the Indies, as will be explained in the body of this Ordinance, as it is not my royal intention that the jurisdictions established therein be confounded, altered or obstructed for the purpose of combining them all in one person, when this law is chiefly intended to prevent the frequent embarrassments and conflicts that would occur between the Intendants and Governors, Magistrates and

Chief Alcaldes, if ~~these~~ ancient offices were separated in the capitals and provinces where the new ones are now established.

* * * * * *

Art. 10.—The political and military governments of Yucatan, Tabasco, Vera Cruz, Acapulco, New Kingdom of Leon, New Santander, Coahuila, Texas and New Mexico, shall remain in existence, and, consequently, they are to continue with the causes of Justice and Police, together with the military command in their respective territories or districts, with exception of what corresponds to Municipal Domains and Taxes and Community Property of the Towns (Bienes de Comunidad), which is of the exclusive jurisdiction of the Intendants in subordination to the Superior Board of the Treasury; it being understood that the jurisdiction of the Governor or Warden of Acapulco, in political and judicial matters, is to be restricted to Ciudad de los Reyes (City of the Kings) and to its port, with the three seats that correspond to it. And with the view of securing in all that Kingdom the success of the important object referred to in the foregoing article, by reason of the sub-delegations it provides for, I command that the several Intendants likewise make them in said Governors, (excluding those of Yucatan and Vera Cruz), and in the King's Lieutenant in the City of Campeche, in what relates to the two causes of Treasury and the Economy of War in the territories of their respective commands.

* * * * * *

Art. 81.—The Intendants shall also be Judges, with exclusive jurisdiction over all matters and questions that arise in the provinces of their districts in relation to the sale, composition and distribution of crown and seignioral lands. The holders thereof, and those who seek new grants of the same, shall set up their rights and make their applications to said Intendants, who, after the matter has been duly examined into by an Attorney of my Royal Treasury, appointed by themselves, shall take action thereon, in accordance with law, and in conjunction with their ordinary legal advisers. They shall admit appeals to the Superior Board of the Treasury, or, should the parties in interest fail to employ that recourse, submit a report thereto, together with the original proceedings, when they consider them in condition to issue the title. The Board shall, after examination thereof, return them, either for issue of title, if no correction is necessary, or, before doing so, for such other proceedings as in the opinion of the Board are required, with the necessary instructions. In the meantime, and without further delay, the necessary confirmation may be made, which said Superior Board shall issue at the proper time, proceeding in this matter, as also the Intendants, their deputies and others, in accordance with the requirements of the Royal Instructions of October 15th, 1754, in so far as they do not conflict with these, without losing sight of the wise provisions of the laws therein cited and of Law 9, Title XII, Book IV.

* * * * * *

ORDER OF PEDRO DE NAVA.

October 22nd, 1791.

Chihuahua, October 22nd, 1791.

In accordance with the opinion of the Assessor of this Commandancy General, I have resolved by decree of to-day, that, notwithstanding the provisions of Article 81 of the Ordinance of Intendants, it belongs to the Captains of Presidios to sell and apportion lots and lands to the soldiers and residents who apply for them to establish their residence thereon.

Considering sufficient for the new settlements that are being formed under their protection, the boundary of four common leagues, measured from the center of the plaza of the Presidio, two to each wind, I have also determined, in order to avoid doubts and appeals in the future, that the Captains limit themselves hereafter, in the concession of grants of lots and lands, to those that shall be included in said four leagues, without their being increased in any manner, leaving free and operative the exclusive jurisdiction that belongs to the Intendants of the Royal Treasury for the sale, composition and apportionment of the other lands in their respective districts.

That this order may be punctually complied with and observed, you will circulate it to the Captains and Commandants of the Presidios in that province, giving me notice of having done it.

God preserve you many years.

PEDRO DE NAVA.

Rubric.

Mr. Joseph Antonio Romen.

ORDER OF PEDRO DE NAVA.

JANUARY 19th, 1793.

In the Superior Board of the Royal Treasury his Excellency, the Viceroy, approved provisionally the course you took on the 22nd of October, 1791, and which I communicated to you on the same date, that, notwithstanding the provisions of Article 81 of the Royal Ordinance of Intendants, the Captains and Commandants of Presidios should continue selling lots and lands to the soldiers and residents who applied for them in order to establish themselves under their protection, limiting this power to the boundary of four common leagues, measured from the center of the plaza of each one, two to each wind; but to the end that the permanent ruling that is to be observed in the matter may be made in said Superior Board, I was instructed to confer with said Captains and Commandants on the consultation that furnished the occasion for making that declaration. It was restricted substantially, under the provisions of Articles 7, 81 and 306, of said Ordinance of Intendants, to the order to the Captains and Commandants to suspend the apportionment of lands which they were making under Article 1, Title 11, of the Regulations of Presidios; since those articles give to said Intendants, in the whole territory of their several provinces, exclusive cognizance of the transactions that occur in the matter, such as are the sales, compositions and apportionment of crown and vacant lands; and on the contrary, the Treasury would be deprived of the fees that belong to it.

Afterwards, there was brought before his Excellency, the Viceroy, the point that said articles of the Ordinance of Intendants conferred on those who filled these offices absolute political jurisdiction even in the settlements bordering upon the enemy; the opinion being that it was prejudicial for the Captains and Commandants of the Presidios to exercise it with prohibition and without the cognizance of the Governors-Intendants, and that it was less so, for the power to sell and apportion lands to belong exclusively to them.

The first was based on the belief that the residents would be better governed by the judges whom the Intendant would appoint, they would have less distant, the appeal to the latter than to the Commandancy General in their complaints and grievances, it would cause them no expense to bring their suits, nor would they suffer the vexations and annoyances the military and civil head officials cause them, by proceeding despotically and arbitrarily in their decisions; so that they saw themselves obliged not a few times to abandon their establishments, or they made them leave them by inflicting banishment upon them without hearing them, besides, also, it would better facilitate the storing of grain, which the troops need; inasmuch, as the Intendant would attend to encouraging it among the frontier residents with greater energy than could the Captains and Commandants; and the second, in that the Royal Treasury is prejudiced, his Majesty failing to receive the composition fees for the lands that are apportioned in the four jurisdictional leagues of the Presidios.

In order to comply with the resolution of the Superior Board, you will immediately circulate this order to the Captains and Commandants of Presidios in that Province, to the end that they may report without delay through you (and you will do the same with regard to that of Loreto which is under your charge), whatever occurs and appears to them, together with an individual notice of the settlements contained in the four leagues assigned to each one as a boundary; and another of the residents and settlers therein, with a statement of the number of persons of both sexes that compose them, besides the troops.

God preserve you many years.

PEDRO DE NAVA,
Rubric.

CHIHUAHUA, JANUARY 19th, 1793.

ROYAL CEDULA OF MARCH 23d, 1798.

CORRECTS FORMER PROVISIONS ON PUBLIC LANDS.

Comp. Laws, Vol. I, P. 69, No. 30.

THE KING.—Whereas, in a letter of the 20th of April, 1792, the late Viceroy of New Spain, Count Revillagigedo, enclosing a testimonio states that the Judge of Lands of the Audience of Guadalajara, in view of two *sitios* and five *caballerias* of land having been sold to Don Cristobal Felix, a resident of the town of Fuerte, in the Province of Sinaloa, declared that the observance of Article 81 of the Ordinance of Intendants was onerous and prejudicial, in the matter of the transmittal of the proceedings to the Superior Board for the approval and confirmation of titles to vacant crown lands of small extent in the interior and distant provinces, because it was necessary to expend in post office and other fees more than said lands were worth, in proof of which he had sent a certificate of fourteen cases of this character, in which the largest did not reach thirty-six dollars, without counting others that were pending in different tribunals; from which he inferred that many retained crown lands in bad faith and clandestinely, in order not to incur such great expense, and that others, in order not to be prosecuted, abandoned their breeding farms and ranches, in this way defeating the advantages that might result to the State from the industry and application of said vassals; for which reason, and following the example of the Royal Cedula of the 15th of October, 1754, which, to the benefit of my vassals, revoked that of the 24th of November, 1735, providing that those who had to apply to my royal person for the confirmation of crown lands, should apply thereafter to the Audiences, he requested him to take the most advisable action in the matter, which application the present President and Commandant General and Intendant of those Provinces, Don Jacobo Ugarte y Loyola, reiterated to him, inasmuch as Don Luis Jimenez, a resident of the jurisdiction of the town of Atemateca, had requested him to excuse him from forwarding to the Superior Board the proceedings on the dominion of the land at the place called Agua Zarca, adding that, although the said Superior Board had recently ordered that parties be excused from applying thereto for the confirmation of titles, upon the pecuniary service to be made to it of two per cent of the value of the lands, the first part of said article, nevertheless, remained in force as to the transmittal and return of original proceedings; for which reason he thought it fit that cases of small amount be excepted from the usual formalities and proceedings and that the amount or value of those crown lands, where the provisions of the Ordinance should be followed, be prescribed; in view of which, and to decide the point with due deliberation, said Viceroy ordered that the proceedings be forwarded to the Superior Board after consulting the Solicitor General; and in a resolution made on the 24th of February of said year of '92, it was declared that, inasmuch as said damages are obviated in the orders which said Board had made on the 23rd of July, 1790, in favor of those who applied for compositions of lands or made denouncements of vacant lands, they were excused from applying for the confirmation of their titles upon the payment of two per cent of their value in the respective offices, there was then no reason that necessitated making a change, for which reason, aggregating a testimonio of said order, that report be made to me, as said Viceroy did make, to the end that I be pleased to make the resolution that might be of my royal pleasure; and having examined the matter referred to in my full Council of the Indies of two Chambers, and what the office of the Auditor General reported and my Solicitors stated in explanation thereof, I have resolved, in the matter of the consultation of the 5th of December of the year last passed, to approve, as by this my present Royal

Cedula, I do approve, the resolution of the Superior Board of Mexico, of the 23rd of July, 1790, ratified on the 24th of February, 1792, by which those who apply for compositions or make denouncements of vacant lands are excused from applying thereto, for the confirmation of their titles, upon the payment of two per cent of their value in the respective offices of the Auditors, it being well understood that, when the value of the lands denounced or composed does not reach the sum of two hundred dollars, proceedings be had, on their own responsibility, in the courts of the Intendancies and in that of the Superior Board, to the end that these crown lands may be denounced or bought by residents of small means, the Solicitors General of the Royal Treasury of said Audiences being careful that what is referred to be complied with, and that there be not the least contravention or omission in returning the proceedings on the sale or composition of royal lands provided for in the resolution of the Superior Board, observing in delays the provisions of Article 81 of said Ordinance, with the modifications in the said resolution of the Superior Board of Mexico, wherein it dispensed with the second transmittal of the proceedings to the same, for confirmation of title and designation of pecuniary service, for the dispensation from applying therefor to my royal person, as was formerly done, and afterwards to the Audiences, by the Royal Cedula of the 15th of October, 1754.

Therefore, I order my Viceroys, Audiences, Intendants and Superior Boards of my Kingdoms of the Indies and adjacent islands, to comply with, observe, and to cause to be observed, complied with and executed, duly and punctually, this, my royal resolution, for such is my will, and that of this, my present Royal Cedula, record be made in the office of said Auditor General.

THE KING.—To the Viceroy, Governor and Captain General of the Provinces of New Spain and President of my Royal Audience, who resides in the City of Mexico:

Your immediate predecessor, Don Felix Berenguer de Marquina, in letter No. 705, of August 27th, 1802, made report, with certified copy of the proceedings forwarded to this Superior Government by the Acting Intendant Assessor of San Luis Potosi, in relation to the sale of twenty square leagues (*sitios*) of crown lands for the raising of large stock to Don Jose Ignacio Trevino, and others at the place called Las Animas, jurisdiction of the Villa de Mier in New Santander, and having been referred to the Civil Fiscal, Don Francisco Javier Borbon, temporarily in charge of matters relating to the Royal Treasury, he stated in reply, on November 12th, 1800, that by the various proceedings of this kind which had been examined by him, he had observed that for a very small sum large tracts of crown lands had been alienated, and that in addition to the large loss caused by it to my Royal Treasury there had resulted therefrom the difficulty that the purchasers, not being able to settle the lands, they were left uncultivated, with detriment to agriculture; so that forty or fifty square leagues (*sitios de ganado mayor*) which was the area of a kingdom, may be bought for less than one hundred dollars, to remedy which he proposed to suspend the approval of the pending sales and that the Governors of New Santander, New Kingdom of Leon, Coahuila and Texas, who have a personal knowledge of said provinces, should suggest such steps as may occur to them to be taken, in order that the grants and compositions of lands be made with the best advantage to the Treasury and the people in carrying out the views and just intentions of the laws, and that the Assistant Attorney General of San Luis Potosi should call a special meeting to examine and report upon the same.

The Superior Board, in accordance with this opinion, and having called for reports from the Governors of New Santander, New Kingdom of Leon and Coahuila, they were of opinion that the grants should be made with limitations and with regard to what could be settled, since if this were not done, and the provinces of the New Kingdom of Leon and New Santander, being composed of forty, fifty, or more tracts for the raising of large stock, or a part of the same for the raising of small stock, all that country would be uninhabited, with the exception of only the ***ranchos*** or stations of the said estates, and travelers would be exposed to continual attacks of the hostile Indians, this being illustrated in that of the colony on the sheep farms of Don Tomas Urisan and Don Manuel Antonio Conde, residents of Mexico, and San Miguel el Grande, situate between the rivers Norte and San Fernando which, covering fifty leagues in breadth by an equal number in length, were absolutely uninhabited, there being in the said estates more than four hundred ***sitios*** denounced and paid for; that the denouncement of Don Jose Ignacio Trevino was for twenty square leagues in one of the best localities, valuable for many reasons and of which he claimed to have made himself owner for fifty dollars, and that of Monte Rey with the owner of the Carrisal estate, the pasture lands of which were not less than two hundred leagues, bordering on the lands of the enemy, without any other protection than a small ***rancho;*** and they all concluded that if they were authorized to receive denouncements and grant lands with the condition that houses be built on them, many evils would be remedied, and with regard to the value of the ***sitios*** the Governor of La Colonia suggested that the arid tracts be placed at twenty-five dollars, those irrigable, at fifty dollars, and those with water on them at one hundred dollars. The Governor of the New Kingdom of Leon suggested that the price be thirty dollars, each, without distinction, payable in ten years, at the rate of three dollars each year, so that any honest citizen might acquire an estate with benefit to himself, the Treasury and the State; and the Governor of Coahuila, the rate of thirty, twenty, and ten respectively, all of them attributing the lack of denouncements by poor persons to the cost of confirmation. The special meeting at San Luis Potosi added that to the wealthy not more than thirty *sitios* be sold, as they contained lands sufficient for one estate; to the poor, from eight to ten, and to both, under condition to settle the same within one year; that the denouncements of thirty or more *sitios* should be subject to the regular rules, and those of eight to ten might be made by the respective Governors, preferring in the denouncements, residents to non-residents, and of the former the most industrious, allowing to poor men the term of two years to pay for the same with security; that the estates of Don Tomas de Urisan and Don Manuel Antonio Conde, of denounced and unsettled lands, had taken more than four hundred *sitios* of crown lands in addition to those granted, and the same thing has occurred with others, for which reason it would be well that a prudent adjustment be made with all, in respect to such lands as they may be able to settle, and also, because of non-compliance with this obligation they (the lands) should be returned to the Crown for others who might denounce them; and with regard to prices fixed that of the arid lands at ten dollars, those irrigable by means of wells at thirty dollars, and those with running water at fifty or sixty dollars, with the suggestion also of appraisement by experts.

Reports having also been received from the Ministers of the General Fund (Ministros de Cajas Genrales), and the Chief Auditor's Office (Contaduria Mayor), although they agreed with the Superior Board as to the necessity for the rule in question, they differed in regard to the manner of placing the lands and preparing the papers, and also with respect to the provisions in regard to the large tracts of lands alienated, held by Don Manuel Antonio Conde and Don Tomas Urisan, the Royal Ministers being of opinion that the alienations having been confirmed, they could not be revoked and their owners compelled to sell to others at the price at which they bought, adding that the time fixed for settlement should be two years, with extensions or diminutions according to the circumstances; in view of all of which the Fiscals of the Royal Treasury, Don Lorenzo Fernandez de Alva, in answer, on May 6th, 1802, gave it as his opinion that denouncements of thirty *sitios de ganado mayor* only should be permitted, and to well-to-do persons only, and of eight to ten to poor persons, fixing the prices at ten dollars for lands without water, at thirty those irrigable from wells, and at sixty for those with running water, with power to increase in proportion to the conditions of fertility, abundance of water or proximity to large settlements, or to decrease in case of distance from the same, or of imminent danger from incursions of hostile Indians.

That in accordance with the Royal Order of March 23rd, 1798, that when the value of the lands denounced should not exceed two hundred dollars, action should be taken at once by the Intendancies and by the Superior Board wholly dispensing with the application which the parties in interest should make for the confirmation of their titles upon the payment of two and one-half per cent. according to Article 89 of the Royal Ordinance; to which it might be added that denouncements of not more than ten *sitios* might be admitted and acted upon by the Governors until reported to the Intendancies without exemption from fees, nor the other formalities, if exceeding the value of two hundred dollars, as in a proceeding so simple as that of this class, the payment of the tariff fees in which the subsistence of the subalterns depended, would not deter them (i. e., the parties in interest from entering the lands), not giving the lands on credit, because they should be disposed of for cash by virtue of Law XVI, Book VIII, Title XX, in order to avoid executive proceedings against principal debtors and their securities, which would multiply the suits.

That the term of three months for settlement and cultivation, under penalty of forefeiture, if not done, being prescribed by Law II, Book IV, Title XII, and it being provided by Article 4 of the Royal Instructions of October 15th, 1754, that those who hold crown lands by virtue of sales or compositions by the subdelegates, prior to the year 1700, shall keep them under cultivation and shall do so within the term prescribed by law, or of that which shall be deemed proper, with the understanding that they may be granted to those who may denounce them with the same obligation to cultivate them, Don Tomas de Urisan and Don Manuel Antonio Conde, should be dispossessed of all the lands remaining unused, if they do not settle within a new term set for the same, taking into consideration their area and condition, provided it do not exceed two years, and the same with regard to all other holders, and also at once to make investigation in regard to those who hold lands without title in order that they may be disposed of to others.

That the Superior Board in view if that which had been decided, and considering that the settlement of a *sitio* of a league in extent was very difficult for a person of large means, and that lands of large area were held without this legal obligation having been fulfilled to the prejudice of others, decided in their decree of May 10th, 1802, that there should not be adjudicated nor granted more than three or four tracts (to the wealthy), and two to the poor; that the prices be fixed as up to the present, by means of appraisal, measurements and survey, and with better result perhaps at public auction, according to the Law of the Compilation, but with the understanding that the lowest estimate was not to be less than ten dollars for lands without water, thirty for lands irrigable by means of wells, and sixty for those capable of regular irrigation; that the provision for fixing a term for the settlement of *sitios*, should be carried into effect, which should be that of one year under penalty of forfeiture and sale to others, of which penalty Don Tomas de Urisan and Don Manuel Antonio Conde shall be informed, they appearing to have a considerable quantity of land, without having cultivated it as they were bound to do, and that the same being left unused and uncultivated for one year, they would be declared to have made themselves liable to the said penalty; and deciding in regard to the other matters as the Fiscal of the Royal Treasury had asked, and applying his answer to the proceedings relating to private sales, which they had before them in order that the Intendancies might proceed in accordance with this provision.

Having examined the foregoing in my Council of the Indies, together with that which, according to his understanding, and the report of the Auditor's Office, was set forth by my Fiscal, and having been consulted in the matter on November 23rd, last, I resolved to approve, as I do approve by this my Royal Order, the said decree of the Superior Board of May 10th, 1802, as being equitable and the best calculated to put an end to the damage which has heretofore been suffered by the community, private persons and my Royal Treasury in the alienation of crown lands, and to facilitate to the vassals the benefit and cultivation of the same in conformity with my sovereign intentions, authorizing, as I do authorize, the Governors of the Internal Provinces to admit denouncements indiscriminately, and to make sales of crown lands in their respective districts, provided that they do not exceed the quota prescribed by the said Superior Board, and under the condition to make report to the same for its approval; and therefore, I order and direct that you communicate this provision to all to whom it may concern, or publish it by proclamation in that Kingdom in order that it may reach all, with care that it be observed and obeyed in all its parts, such being my will, and of this my Royal Order, note shall be taken in the General Auditor's office of my said Council.

Done at Aranjuez, on February 14th, 1805.

PEDRO APARICI.

MEXICO, JULY 1st, 1805.

Let that which his Majesty orders in this Royal Order be observed and obeyed, and it having been entered in the books of the Superior Government, let a certified copy be made and it being attached to the proceedings let it be forwarded to the Fiscal of the Royal Treasury.

JOSE DE ITURRIGARAY.

It agrees with its original which I returned to the Secretary's Office and Chamber of the Viceroyalty, to which I refer and in order that it may so appear whenever it may be necessary, I give the present by virtue of that which was ordered in the foregoing decree.

EL CONDE DEL VALLE DE ORISABA.

MEXICO, JULY 6th, 1805.

Most Excellent Sir:—The Fiscal of the Royal Treasury says: That in the foregoing Royal Order made at Aranjuez, on February 14th, last, the decree of May 10th, 1802, of the Superior Board is approved; the Governors of the Internal Provinces are authorized to admit denouncements indiscriminately, and to make sales of crown lands in their respective districts, under the rules established, and with the provision that they make report to the Superior Board for approval, and finally it is ordered that it be published in order that it may be known to all.

In conference of July 13th, 1803, the Intendant of San Luis Potosi spoke of the inconveniences caused by the limitation established as to the number of *sitios* which might be adjudicated to one person, and in consequence, the matter having been discussed with full knowledge, it was formulated into a decree of May 13th, of last year (1804), which provision should be understood as a supplement to the said decree of May 10th, (1802).

This second decree was not observed nor carried into effect immediately, but report was made of the same to his Majesty by letter of September 16th, last, in order that in view of the whole he might deign to decide according to his royal will.

This decision should be obtained before publishing the said Royal Order by proclamation, as there might be some changes made; but as the decree of May 10th ought to be carried out, it would be well to make known its approval, with the above remark, forwarding certified copies of the same to the Intendant of San Luis Potosi and the Commandant of the Internal Provinces in order that it be put in operation, and that it be forwarded to all others whom it may concern in his district.

And your Excellency will be pleased to forward it to the Superior Board, where the said Royal Order will be read and certified copies of the same be thereafter forwarded to the Royal Tribunal of Accounts, the Assessor General, the Civil Fiscal and to all the members of the said Board in accordance with the late rule in order that they may bear it in mind in connection with the cases which may come before them.

BORBON.

MEXICO, JULY 27th, 1805.

SUPERIOR BOARD OF THE ROYAL TREASURY, AUGUST 5th, 1805.

Examined. Let all be done as asked by the Fiscal of the Royal Treasury in his foregoing answer of July 26th, last; with report to his Majesty in order that he may be pleased to make such decision as may be proper for his royal service in the matter referred, by letter No. 596, of September 26th, last, by the Ministry of the Treasury.

Thus they decided and signed.

INTURRIGARAY.
GONZALES,
VILDOSOLA,
BORBON,
FELIX SANDOVAL.

It agrees with the certified copy of the Royal Order of which mention is made and the decision of the Superior Board of the Royal Treasury of the 5th of the present month, which are in the respective *expedientes* and office of the Superior Government and was under my charge and to which I refer; and in order that it may so appear whenever necessary I furnish the present by virtue of that which is ordered in the said Superior Decree,

EL CONDE DEL VALLE DE ORIZABA.

MEXICO, AUGUST 29th, 1805.

Joseph de Iturrigaray, Knight of the Order of Santiago, Lieutenant General of the Royal Forces, Viceroy, Governor and Captain General of New Spain, President of the Royal Audience, General Superintendent, Sub-delegate of the Royal Exchequer, Mines, Quicksilver, and the Department of Tobaccos, Conservative Justice thereof, President of the Royal Assembly and Sub-delegate General of the Mails in said Kingdom:

Among other measures which, for the regulation of the granting and adjudication of public lands, the Superior Board of the Royal Treasury granted, on the petition of the Attorney General of the same, on the 10th of May, 1802, and which the King was pleased to approve by Royal Letters Patent of February 14th, 1805, one was the legal provision designating the term, which it was decided should be one year, for the owners of land, within that year, to settle and cultivate those uncultivated and vacant, with the understanding that they should otherwise revert to the public domain and vest in and be adjudicated to whoever might denounce them. And the said Attorney General having represented the importance of the said Royal Decree going into effect, and set forth all that related to the settling and cultivating and the condition of said lands, so that they might not remain uncultivated, whether they be inherited, purchased, granted or lands by whatever title acquired; I thus agreed in the meeting of the Superior Board held on the 11th of June last. In pursuance whereof I order that all holders of said lands shall have to settle or cultivate them within one year, in default of which they shall revert to the public domain, and shall vest in and be adjudicated to the party denouncing them. And that this may reach the notice of all it shall be published by proclamation in this capital, of which proper copies will be forwarded to the Commandant General of the Internal Provinces and the Intendants and Magistrates of the jurisdiction of this Government.

JOSEPH DE ITURRIGARAY,
Rubric.

By order of his Excellency,
JOSE IGNACIO NEGREIROS Y SORIA,
Rubric.

MEXICO, JULY 27th, 1807.

CHIHUAHUA, OCTOBER 22d, 1807.

Let this proclamation be promulgated in the district of the Provinces under my command, independent of the Viceroyalty of Mexico, that it may be complied with, adding, in conformity with the opinion of the acting Attorney General, that in order to avoid prejudice and misunderstanding in the premises, the settling and cultivating of the lands shall be done on the terms prescribed in Laws III and XI, Title XII, Book IV, of the Indies, so arranged that there shall be erected houses on said lands, those shall be cultivated which are arable, live stock shall be placed upon those which are pastoral, the area shall be divided as far as possible into groves in order to provide for firewood, and at those points where questions may arise landmarks shall be placed; observing also without prejudice to a strict compliance with said foregoing proclamation, the provisions in the second part of the proclamation which I ordered promulgated on the 16th of June of the current year relative to the obligation to keep a stock overseer (caporal) and four herders, two mounted and two on foot, for the protection of each two thousand head of large stock and three men for a like number of small stock, with the due proportion of this guard for the protection of any other number.

NEMESIO SALCEDO.

SAN GERONIMO DE TAOS.

Published and copied, in conformity with the Superior Order, the 9th of March, 1808.

TOMAS ORTIZ,
Rubric.

SANTA CRUZ DE LA CANADA, MARCH 21st, 1808.

This proclamation published according to Superior Orders.

MANUEL GARCIA,
Rubric.

FRANCISCO VELASCO,
Rubric.

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CONSTITUTION OF THE SPANISH MONARCHY.

Comp. Laws, Vol. 1, P. 349, No. 96.

March 18th, 1812.

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CHAPTER II.

Political Government of the Provinces and Provincial Deputations.

Article 324. The political government of the Provinces shall reside in the Superior Chief appointed by the King in each one of them.

Art. 325. In each Province there shall be a Deputation (Diputacion) called Provincial, to promote its prosperity, presided over by the Superior Chief.

Art. 326. This Deputation shall be composed of the President, the Intendant, and seven members elected in the manner that shall be stated, but the Cortes may hereafter modify this number as it may deem best, or as circumstances may require, when the new division of Provinces referred to in Article 11 is made.

Art. 327. The Provincial Deputation shall be renewed every two years by halves, the larger number retiring the first time and the lesser the second time, and so on successively.

Art. 328. The election of these members shall be made the day after the Deputies to the Cortes have been elected, in the same order in which the latter are elected.

Art. 329. At the same time and in the same manner three alternates for each Deputation shall be elected.

Art. 330. In order to be a member of the Provincial Deputation it is required to be a citizen in the exercise of his rights, twenty-five years of age, a native or resident of the Province with at least seven years' residence, and to have sufficient to maintain one's self with decency; and none of the employees appointed by the King, as referred to in Article 318, can be a member.

Art. 331. In order that the same person may be elected the second time, there shall have passed at least the time of four years after having ceased in his functions.

Art. 332. When the Superior Chief shall not be able to preside over the Deputation, the Intendant shall preside over it, and in his absence, the member who was the first elected.

Art. 333. The Deputation shall appoint a Secretary, to be paid from the public funds of the Province.

Art. 334. The Deputation shall hold, every year, a session of at most ninety days, distributed over the most convenient epochs. In the Peninsular the Deputations shall be in session by the first of March and beyond the sea by the first of June.

Art. 335. It shall be the duty of the Deputations:

First: To supervise and approve the apportionment made to the towns of the taxes that are allotted to the Province.

Second: To see to the proper inversion of the public funds of the towns, and to examine their accounts, in order that, upon their vise, the superior approval may be obtained, being careful to have the laws and regulations observed in everything.

Third: To see that common councils are established where it is necessary there should be such, pursuant to the provisions of Article 310.

Fourth: If new works of common utility to the Province or the repair of old ones should be offered, to propose to the government the means it considers best adapted for their execution, in order to obtain the corresponding permit from the Cortes.

Beyond the sea, if the urgency of the public works does not allow of awaiting the resolution of the Cortes, the Deputation may, with the express acquiescence of the Chief of the Province, at once use the revenues and report immediately to the government for the approval of the Cortes.

For the collection of the revenues the Deputation shall, on its own responsibility, appoint a collector, and the accounts of the inversion, after being examined by the Deputation, shall be forwarded to the government to be examined and adjusted, and finally be forwarded to the Cortes for its approval.

Fifth: To promote the education of youth on approved plans; and to develop agriculture, industry and commerce and to protect the inventors of new discoveries in any of these departments.

Sixth: To report to the government the abuses they may observe in the administration of the public revenues.

Seventh: To take the census and prepare the statistics of the Province.

Eighth: To see that pious, benevolent establishments fulfill their respective mission, and to propose to the government the rules they consider suitable for the reform of the abuses they observe.

Ninth: The Deputations of the Provinces beyond the sea shall watch over the economy, order and progress of the missions for the conversion of non-believing Indians, those in charge of which shall render them an account of their operations of this department, in order to avoid abuses; all of which the Deputations shall bring to the notice of the government.

Art. 336. If any Deputation should abuse its powers the King shall have power to suspend the members who compose it and shall report to the Cortes this action and the reasons therefor, for the corresponding decision; during the suspension the alternates shall act.

Art. 337. All the members of the common councils and of the Provincial Deputations, upon entering upon the discharge of their duties, shall take the oath, the former before the Political Chief, where there is one, or in the absence of one before the Alcalde who was first elected, and the latter before the Superior Chief of the Province, to observe the political Constitution of the Spanish Monarchy, to obey the laws, be loyal to the King and to comply religiously with the obligations of their office.

COMP. LAWS, VOL. I, P. 397, No. 107.

Decree of January 4th, 1813.

On reducing the vacant and other common lands to private ownership: Tracts granted to the defenders of the country and to citizens who are not proprietors.

The general and extraordinary Cortes, considering that the reduction of the common lands to private ownership is one of the measures that the welfare of the towns and the development of agriculture and industry most demand, and desiring at the same time to afford assistance to the public needs, with this class of lands, a reward to the worthy defenders of the country and help to those citizens who are not proprietors, decrees:

I. All public or crown lands, and those of the municipal domains and revenues with woodland or without, both in the Peninsular and adjacent islands and in the Provinces beyond the sea, except the necessary commons of the towns, shall be reduced to private ownership, care being taken in the case of those of municipal domains and ownership that their annual revenues be supplied by the most timely means, which, on the proposal of the Provincial Deputations, shall be approved by the Cortes.

II. In whatever manner these lands are distributed, it shall be with full rights of property and by boundaries, in order that their owners may fence them (without prejudice to valleys, cross-roads, watering places and servitudes), enjoy them freely and exclusively, and assign them to the use or cultivation that may be most convenient to them; but they shall never entail them, nor at any time nor by any title transfer them in mortmain.

III. In the alienation of said lands the residents of the towns, within the limits of which they are situated, and the joint holders in the enjoyment of said public lands shall be preferred.

IV. The Provincial Deputations shall propose to the Cortes, through the regency, the time and the terms in which it may be most convenient to carry out this provision in their respective Provinces, according to the circumstances of the country, and the lands it may be indispensable to preserve for the towns, that the Cortes may decide what is best adapted for each territory.

V. This matter is recommended to the zeal of the regency of the Kingdom and to that of the offices of the two Secretaries of Government, that they may promote it and enlighten the Cortes when they forward to it the estimates of the Provincial Deputations.

VI. Notwithstanding what is provided the half of the public and crown lands of the Monarchy, excepting town commons, are reserved, in order that wholly or in the part that may be considered necessary, they may serve as a mortgage for the payment of the national debt, and preferably for that of the credits the residents of the towns to which the lands belong hold against the nation; and among these credits the first place shall be given to those that were incurred for supplies for the national armies or war loans, which said residents may have made since May 1st, 1808.

VII. When this half of the public and crown lands is alienated, or the part it may be considered necessary to hypothecate, the residents of the respective towns and the joint holders in the enjoyment of said lands shall be preferred; and in the case of both the properly liquidated credits they may hold for said supplies and loans shall be received in payment at their full value, and, in the absence thereof, any other legitimate national credits they may have.

VIII. In said half of the public and crown lands, there must be included and computed the part that has already been justly and legally alienated, in some of the Provinces, for the expenses of the present war.

IX. Of the remaining public and crown lands, or of the farming lands of the municipal domains and revenues, a tract of those most suitable for cultivation shall be given to every captain, lieutenant or sub-lieutenant, who, because of his advanced age, or because he has been disabled in the military service, may retire with proper authority, without dishonor, and with proper documents to show his honorable service; and the same to every sergeant, corporal, soldier, trumpeter and drummer, who, for the same reasons, or because he has served out his time, obtains his final discharge without bad character, whether the one or the other be citizens or foreigners, provided, there be lands of this class in the districts where they fix their residence.

X. The tracts that are given to officers and soldiers in every town shall be equal in value in proportion to the quantity and character of the same, and greater or less in some countries than in others, according to the character of the lands and according as there is a small or large amount thereof.

XI. The allotment of these tracts shall be made by the constitutional common councils of the towns to which the lands belong, as soon as the parties in interest file with them the documents that show their good service and retirement, and the town attorneys shall be heard briefly and administratively in everything and without costs or fees of any kind being required. The proceedings shall then be forwarded to the Provincial Deputation that it may approve it and repair any grievance.

XII. The grant of these tracts, which shall be called *patriotic reward*, shall not be extended for the present to any other individuals than those who serve or may have served in the present war, or in the pacification of the actual disturbances in some of the Provinces beyond the sea. But it includes the captains, lieutenants, sub-lieutenants and troops, who, having served in one or the other, have retired without dishonor and with proper authority, because they have been disabled or incapacitated in action in war, and in no other way.

XIII. It also includes individuals not in the military service, who, having served in detachments or contributed in any other way to the national defense in this war, or in the disturbances in America, have been or may be disabled or incapacitated as the results of action in war.

XIV. These favors shall be granted to the subjects referred to, although they may be in the enjoyment of other rewards for the services and actions mentioned.

XV. Of the same remaining public and crown lands those most appropriate for cultivation shall be parceled out, and to every resident of the respective towns that asks for it and has no other land of his own, there shall be given gratuitously and by lot, and for once, a tract in proportion to the amount of lands, provided the total of lands thus distributed shall not in any case exceed the fourth part of said public and crown lands; and if the latter are not sufficient, the tract shall be given from the farming lands of the municipal domains and revenues, and in such case a redeemable rent (canon) shall be imposed upon it equivalent to the revenue from the same for the five years to the end of 1817, in order that the municipal funds may not fall off.

XVI. If any of those favored by the preceding article should, for two consecutive years, fail to pay the rent, the tract being part of the municipal domains, or held on lease, it shall be given to another more industrious resident who has no land of his own.

XVII. The proceedings on these grants shall also be had by the common councils without cost and the Provincial Deputations shall approve them.

XVIII. All the tracts granted under Articles IX, X, XII, XIII and XV, shall be with full rights of property for the grantees and their successors in the terms and with the faculties expressed in Article II; but the owners of these tracts shall not alienate them before four years from the time they were granted, nor ever subject them to entail nor transfer them at any time or by any title in mortmain.

XIX. Any of said grantees or their successors who establishes his permanent residence on said tract shall be exempt for eight years from every tax or impost on that land or its products.

XX. This decree shall be circulated not only in all the towns of the Monarchy, but also among all the national armies, and shall be so published in all of them as to come to the notice of all the individuals that compose them.

COMP. LAWS, VOL. I, P. 413, NO. 123.

Decree of June 23d, 1813.

Instructions for the politico-economic Government of the Provinces.

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CHAPTER II.

Obligations and Duties of the Provincial Deputations.

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XVI. Besides what is provided in paragraph 10 of Article 335 of the Constitution, the Deputations beyond the sea shall see that the inhabitants dispersed in the valleys and mountains, in places where that occurs, are induced to live in settlements, pursuant to the provisions of the laws; and they shall propose to the government the measures they consider best adapted to furnishing them lands and the means of cultivating them, in accordance with what was provided by the Cortes in the decree of January 4th of this year.

XVII. Inasmuch as the Provincial Deputations shall consult the government, await its authorization for all its acts, where the law requires this requisite, and in general in all those cases and measures of great importance, all its applications and communications shall be directed through the channel of the Political Chief, its President.

CONSTITUTIONAL PRINCIPLES OR ELEMENTS.

COMPILED LAWS OF MEXICO, LOZANO & DUBLAN,
P. 433, No. 141.

Decree of October 22d, 1814.

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II.

Form of Government.

CHAPTER I.

The Provinces that compose Mexican America.

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Art. 42. Until an exact demarcation of this Mexican America, and of each one of the provinces that compose it, is made, the following shall be known by that name and with the same boundaries that have heretofore been recognized: Mexico, Puebla, Tlaxcala, Vera Cruz, Yucatan, Oaxaca, Tecpam, Michoacan, Queretaro, Guadalajara, Guanajuato, Potosi, Zacatecas, Durango, Sonora, Coahuila, and Nuevo Reino de Leon.

43. These provinces shall not separate themselves one from the other nor much less alienate themselves in whole or in part.

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SUPPRESSION OF MONASTIC, AND REFORM OF REGULAR, ORDERS.

Compiled Laws, Vol. I, P. 531, No. 231.

Decree of the Cortes of October 1st, 1820.

The Cortes, after having observed all the formalities provided in the Constitution, have decreed the following:

Article 1. All the monasteries of the monastic orders, the regular canons of Saint Benedict, of the cloistered congregation of Tarragona and Caesaraugusta, those of Saint Augustine and the Premonstants, the convents and colleges of the military orders of Saint James, Calatrava, Alcantara and Montesa, those of the order of Saint John of Jerusalem, Saint John of God and Bethlemites and all other Hospitalers of whatever class, are suppressed.

Art. 2. To preserve the permanency of divine worship in certain sanctuaries celebrated from the remotest times the government may set aside the fixed number of eight houses and leave them in charge of the monks it may see fit, but under the control of the ordinary and superior local prelate they themselves may elect, prohibiting them from conferring the habit and from receiving the confession of novices, and providing for the subsistence of these individuals by the means stated in Articles 5 and 6 and for worship the quota it may deem necessary.

Art. 3. The benefices attached to the monasteries and convents suppressed by this law are restored to their former liberty and royal and ordinary provisions respectively, but the present holders of curacies, prebends, revenues, offices and any other places within the royal gift, shall continue in the exercise and enjoyment thereof, and in the payment of the subsistence pensions with which they are burdened in favor of individuals, and depositing those of any other nature in the treasury after the necessary liquidation and examination.

Art. 4. The merits obtained in their respective institutions and the promotions religious men may have received therein shall be very particularly recognized by the government in providing bishoprics, archbishoprics, prebends and other ecclesiastic benefices.

Art. 5. To every monk ordained *in sacris*, who is not over fifty years of age at the time of the publication of this decree, three hundred ducats per year shall be allowed; to those over fifty and under seventy, four hundred shall be allowed and six hundred to those over seventy.

Art. 6. Other professed monks shall receive one hundred ducats annually, until they reach, and two hundred when they pass, fifty years of age. They are, moreover, empowered to obtain civil employment in any career, and shall also be subject to the obligations of laymen.

Art. 7. The two preceding articles shall be applied respectively, in their case, to the knights of the military orders and individuals subject to the order of Saint John of Jerusalem and to the Commendators Hospitalers. To those of Saint John of God and to the Bethlemites and other Hospitalers, whether priests or laymen, two hundred ducats shall be allowed without distinction of ages, and one hundred to professed laymen.

Art. 8. The allowances made in the three preceding articles shall cease from the moment the holders thereof obtain an income from the church or from the State greater or equal to that from pensions, but if it should be less, they shall continue to receive the difference.

Art. 9. In regard to other regulars the Nation does not consent for them to exist except in subordination to the ordinaries.

Art. 10. No regular prelates shall be recognized other than the local prelates of every convent elected by said communities.

Art. 11. If the government should consider advisable the concurrence of the ecclesiastical authority for the more facile execution of the two preceding articles, it shall dictate timely measures to that end.

Art. 12. It is not permitted to establish any convent or to confer any habit for the present nor to take the confession of any novice.

Art. 13. The government shall protect, by all the means within its power, the secularization of the regulars who apply for it, shall prevent all persecution or violence on the part of their superiors, and shall see that they are empowered to obtain prebends and benefices, with cure of souls or without.

Art. 14. The Nation shall give one hundred ducats for the support of every religious man ordained *in sacris* who is secularized, which he shall enjoy until he obtains a benefice or ecclesiastic income for his subsistence.

Art. 15. The religious man who desires to be secularized shall present himself in person or by agent to the superior civil officer of the province where he resides that he may allow him the support referred to in the preceding article.

Art. 16. There shall not be more than one convent of the same order in a town and its jurisdiction, except the extraordinary case of an agricultural population which is part of the neighborhood of a capital city and which, at the discretion of the government, may need the preservation of a convent in the country, until the proper parish is established.

Art. 17. The community that does not reach twenty-four religious persons ordained *in sacris* shall unite with that of the nearest convent of the same order and shall go and live therein, but in the town where there is not more than one convent, it shall remain if it has twelve religious persons ordained *in sacris*.

Art. 18. If the community to which the nearest is united does not have sufficient revenue to maintain the individuals between both of them, the government shall assign to it, from the public revenue, what it considers necessary.

Art. 19. The government shall decide the doubt as to the suppression or permanence of any of the convents to which the two preceding articles may give rise, with regard to the convenience of the public and that of the religious persons themselves.

Art. 20. For the present and until Congress decides upon plans for the instruction of the public and of the missions, the regular clergy of the pious schools and the college of missionaries for the provinces of Asia in Valladolid are excepted from the provisions of Article 17 and the part of 12 that prohibits conferring habits and receiving the confessions of novices. The subordination to the ordinary referred to in Article 9 shall be understood with reference to physicians without prejudice to the transfer of teachers from one house to another, and all else relating to their economic-literary regimen, as the best management of their institution may require and as the government may judge convenient.

Art. 21. Articles 9, 10, 12 and 13 are also extended to convents and communities of religious women, in their case and place, and each one of them secularized shall enjoy a yearly pension of two hundred ducats.

Art. 22. The ducats referred to in the preceding article and in Articles 5, 6 and 14 shall be understood to be hard dollars in the provinces beyond the sea.

Art. 23. All the movable and immovable property of the monasteries, convents and colleges that are now suppressed, or that may be suppressed hereafter, by virtue of Articles 16, 17, 19 and 20, are applied to the public credit, but subject, as heretofore, to the just obligations they may be under, civil as well as ecclesiastical.

Art. 24. If any of the religious communities of both sexes that are to continue should have revenues in excess of what is necessary for their decent maintenance and other requirements of their institutions, all the excess shall be applied to the public credit.

Art. 25. Every regular who is secularized, or whose house is suppressed, may carry with him the movables in his private use.

Art. 26. The government may set aside for establishments of public utility the suppressed convents it may deem suitable.

Art. 27. The chief civil officers shall place in safe-keeping all the archives, paintings, books, and effects of the libraries of the suppressed convents and send inventories to the government, which shall forward the originals to the Cortes, which shall place in its library what it sees fit, in accordance with the regulation approved by it in ordinary session.

Art. 28. It shall be the duty of the government to apply the balance of the effects mentioned in the preceding article to the provincial libraries, museums, academies and other establishments of public instruction.

Art. 29. It is left to the discretion of the several ordinaries to dispose of the sacred vases, jewels, ornaments, images, altars, organs, chorus books and other utensils of worship in favor of the poor parishes of their dioceses.

Art. 30. The ecclesiastic ordinaries may, with the approval of the government, habilitate *ad interim* and until the new division of parishes, churches that are vacant and may be considered necessary for the cure of souls.

COMP. LAWS, VOL. I, PAGE 547, NO. 245.

Decree of October 5th, 1821.

Habilitation and confirmation of all authorities for the purpose of legalizing their functions.

The sovereign provincial council of government of the Empire of Mexico, considering that from the moment it solemnly declared its independence from Spain, all authority for the exercise of the administration of justice and other public functions should emanate from said Empire, has seen fit to habilitate and confirm all authorities as they now are, in conformity with the plan of Iguala and the treaty of the village of Cordoba, for the purpose of legalizing the exercise of their respective functions.

GALVAN'S COLLECTION OF ORDERS AND DECREES.

SECOND EDITION, MEXICO 1829, PAGE 23.

Order of October 24th, 1821.

The creation of the office of Superintendent General of the Public Treasury is declared not to be necessary.

Having reported to the Sovereign Provisional Council (junta) of government of this Empire with the report which your Excellency made to the regency stating that the creation of the office of Superintendent General of the Public Treasury in this capital is not necessary and which, by order of its highness, (the regency), your Excellency transmitted on the 9th instant to be forwarded for the consideration of its majesty (the junta), it has concluded there is no necessity for said office for the administration and management of the departments of the service and much less for the legal business thereof; and, in consequence, has decided that the duties of the superintendency be performed, as your Excellency proposed in your said report, by the Directories General of the Revenues, the officers of the Treasury and Intendants, in the cases and matters that severally belong to them, in conformity with their ordinances, without any variation in them, consulting the regency or the Sovereign Council (junta) in those things or matters within their attributes, the determination of which may not be within the powers of said officers or offices.

COMP. LAWS, VOL. I, PAGE 587, NO. 261.

Order of December 18th, 1821.

That the Temporalities of the Hospitals of the suppressed religions be delivered to the Common Council.

The Sovereign Provisional Board of Government of the Empire, in consequence of the action taken by the most excellent provincial deputation of this Court, in regard to placing under the charge of the most excellent Common Council, the administration of the property and revenues that were designated by their founders for the maintenance of the hospitals and of the religious persons who served them, has been pleased to order:—

1. That notice be given the provincial deputation of the decision of his Majesty in regard to their said representation of the 8th of last November.

2. That it be directed, at the same time, to take the necessary measures, without loss of time, that the Common Council may enter into the administration of the property and revenues that were designated by their founders for the maintenance of the hospitals and of the religious persons who served them.

3. That with these funds the maintenance of the hospitals and the payment of the allowance made to ex-cloistered religious persons be provided for, the Common Council to keep due account thereof and to report it with other accounts under their charge.

4. That the accounts for the time elapsed since the suppression of the convents of hospitalers be obtained from those who are responsible for them, the net proceeds being delivered to the Common Council after the payments to be made to excloistered religious persons and other just charges have been covered.

5. That all these measures be communicated to the deputation through the usual channel of the regency that it may be informed and may order compliance therewith.

SALARY WHICH THE INTENDANTS SHOULD RECEIVE.

GALVAN'S COLLECTION OF ORDERS AND DECREES, SECOND EDITION, MEXICO 1829, PAGE 91.

Order of January 16th, 1822.

Salary Which the Intendants Should Receive.

Report having been made to the Sovereign Provisional Council (junta) of Government of the empire with the recommendation of the regency of the 8th instant to fix the salary which the Intendants hereafter appointed are to receive, it has been pleased to determine; that until the next august national congress fixes the system of public revenues, the Intendants should remain as they are, except those who are reappointed and have, in their former offices, had a higher salary than that the Intendants of Sonora and Puebla now have, for, in this case the regency, in consideration of the places where the appointees have to reside, and the economy it is necessary for the Treasury to practice at this time, will assign them the salary its notorious zeal may consider just.

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GALVAN'S COLLECTION OF ORDERS AND DECREES.

SECOND EDITION, MEXICO 1829, PAGE 105.

Order of February 2d, 1822.

That a report of the receipts of the treasuries since independence was sworn to be forwarded by the Intendancies of the empire; and a statement of the receipts and disbursements of the last fifteen days since the 24th of December.

The Sovereign Provisional Council (junta) of Government, in view of the statement which the General-in-Chief as President of the regency made in yesterday's session as to the serious embarrassment in which the Treasury finds itself, and bearing in mind the decree of the 24th of December last, which your Excellency was pleased to forward to us last month, relating to the transmittal by the treasuries of the empire of a clear and detailed statement of the funds which the principal and sub-treasuries of each district had on hand for each department of the service at the time independence was sworn to, its majesty (the junta) has been pleased to order that said officers be further instructed:

1. That they forward a detailed statement of the disbursements made by them during said period.
2. That they also forward a statement of the receipts and disbursements of the last fifteen days, since the date of said decree, and repeat this operation hereafter in the same period.
3. That the payments they make under the regulations or ordinances be current payments and under no circumstances those in arrears.

DISTRIBUTION OF LANDS TO FOREIGNERS WHO COME TO COLONIZE.

CODE OF COLONIZATION, MEXICO 1893, PAGE 171, No. 46.

Decree of January 4th, 1823.

His Majesty, the Emperor, has been pleased to direct to me the decree that follows:—

Augustin, by Divine Providence and the Congress of the Nation, first Constitutional Emperor of Mexico, and Grand Master of the Imperial Order of Guadalupe, to all who shall these presents see and understand, know ye:—

The National Board of Organization of the Empire of Mexico, convinced of the necessity and importance of giving the Empire a general Colonization Law, and in view of the urgent solicitation of the Government, has been pleased to decree and does decree:

1. The Government of the Mexican Nation protects the liberty, property and civil rights of all foreigners who profess the Roman Catholic Apostolic Religion, the only religion of the Empire.

2. To facilitate their establishment the Government shall distribute lands under the conditions and in the terms which shall be stated.

3. Contractors, who shall be understood to be those who bring at least two hundred families, shall previously contract with the Government, which they shall inform as to the branches of industry to which they are to apply themselves, the property or resources they bring in for that purpose, and whatever they consider proper, in order that said Government, with this necessary information, may designate the province to which they are

to proceed, the lands they are to occupy, with the right of property and the other circumstances that may be proper in the case.

4. The families that come of their own accord to establish themselves, shall report directly to the respective Common Council of the place where they desire to establish themselves, in order that the land to which they are entitled, by reason of the industry they are going to establish, may be assigned to them by that body, in accordance with the orders they (the families) may have from the Government.

5. The measurements of the land shall be the following:—Supposing the *vara* for measuring to be three goemetric feet, a straight line of five thousand *varas* shall make one league; a square that has one league on each side shall be called a *sitio*, and this shall be the unit for counting one, two or more *sitios;* five *sitios* shall make an *hacienda*.

6. In the distribution which the Government makes, as well among colonists as for the establishment of villages, towns, cities and provinces, distinction shall be made between grazing lands intended for cattle raising and those that are farming or agricultural lands, because of the facility of irrigating them.

7. A farm shall be composed of one million square *varas*, that is to say, one thousand *varas* on each side, and this measurement shall be unit for counting one, two or more farms. These farms may be divided into halves and quarters, but no farther.

8. To colonists who follow the occupation of cultivating the soil not less than one farm shall be given, and to those who follow cattle-raising not less than one *sitio* shall be given.

9. The government, or those authorized for the purpose, may increase these allotments as it may see fit, according to the diverse circumstances and conditions of the colonists.

10. The establishments made by the former Government shall be adjusted to this law in questions that arise and in those

that are pending, but those now terminated shall remain in their present condition.

11. As the principal object of the laws of every free Government ought to be to approximate as much as possible to the equal distribution of properties, the Government shall take into consideration the provisions of this law, in order to cause those lands that have accumulated in large tracts in a single person or corporation that cannot cultivate them, to be distributed among others, and shall pay the owners the just value thereof according to the opinion of experts.

12. The aggregation of many families in a settlement shall have the name of village, town, or city, according to their number, the extent, locality and other circumstances that characterize it, according to the laws on the matter; in their internal government, and police, they shall follow the same rules as the other settlements of the Empire.

13. An effort shall be made, nevertheless, in the formation of these new settlements, to preserve, as far as the ground permits, the proper disposition and straightness of the streets, giving them a parallel direction from North to South, and from East to West.

14. Provinces shall be formed, the area of which shall be six thousand leagues.

15. As soon as a sufficient number of families has been got together to form one or more settlements, the organization of its government shall be proceeded with, and its constitutional Common Council and other establishments formed in accordance with the laws.

16. The Government shall, together with the respective Ordinaries, see that these towns are provided with a sufficient number of parish priests, and together with said authority, it shall propose to Congress the means of providing for their decent support.

17. In the order of distribution of lands between different provinces, it shall be the duty of the Government to distribute

the colonists among those most convenient to settle; as a general rule the first colonists shall be preferred in the selection of lands.

18. In the distribution of lands, preference shall be given to the natives of the country, and especially to the soldiers of the Army of the Three Guarantees, thus carrying into effect the decree of March 27th, 1821, and to those who served during the first epoch of the revolution.

19. To every contractor there shall be granted three *haciendas* and two farms for every two hundred families he brings in and establishes in the colonial provinces; but he shall lose the right to the property if, after twelve years, counted from the date of the grant, he has not settled and cultivated the lands so acquired. The premium shall not exceed nine *haciendas* and six farms, whatever be the number of families he brings in.

20. At the end of twenty years the owner of the *haciendas* and lands acquired by this title shall be obligated to dispose of two-thirds thereof by sale, donation or as appears to him best: the law authorizes him to keep the last part in full fee and dominion.

21. The two preceding articles shall be understood with reference to the first contractors for the term of six months; after that time counted from the date of the promulgation of this law, the Government may reduce the premiums as it sees fit, reporting to Congress with the observations it may consider timely.

22. The date of the grant of the property becomes an inviolable law for the legality of the possession; if any one from error or a later grant occupies any tract of land belonging to another, he shall have no other right than the preference in case of sale at the current price.

23. If, after two years from the date of his grant, the grantee has not cultivated the land, he shall be held to have waived his right of property, in which case the respective Common Council may grant it to another.

24. During the first six years from the date of the grant the colonists shall pay no tithes, excises, nor any other tax, under whatever name it may be.

25. The six years following after said date, they shall pay half the tithes and half the taxes, whether direct or indirect, the other citizens of the Empire pay; after this time they shall be equal to all others in the matter of taxation.

26. All instruments, machines and other implements that the colonists may bring in for their use, at the time of coming to the Empire, shall be free when brought in, as also the effects each family may bring, to the value of two thousand dollars.

27. All foreigners who come to establish themselves in the Empire, and those who, following a profession or industry, in three years, have sufficient capital to support themselves with decency and are married, shall be considered naturalized; those who, under the foregoing conditions, marry Mexican women, acquire a special right to have their letters of citizenship given them.

28. Congress shall grant letters of citizenship to those who apply for them, under the Constitution of the Empire.

29. Every individual shall be free to leave the Empire, and may dispose of the lands to which he has acquired the fee according to the tenor of this law; he may likewise take out all of his property by paying all the taxes under the law.

30. After the promulgation of this law, no sale or purchase shall be made of the slaves that may be brought to the Empire; their children born therein shall be free at fourteen years of age.

31. All foreigners who have established themselves in any of the provinces of the Empire, with the consent of the former Government, shall remain on the lands they have occupied, and shall conform to the tenor of this law in their distribution.

32. The Government, as it may see fit, shall sell or lease the lands that may be of most value on account of their loca-

tion; acting in other respects in conformity with the articles of this law.

This law shall be presented to his Imperial Majesty for its approval, publication and execution.

Mexico, January 3rd, 1823, the third of the Independence of the Empire.

JUAN FRANCISCO,
Bishop of Durango.
ANTONIO DE MIER,
Member and Secretary.
JUAN BAUTISTA DE ARIZPE,
Member and Secretary.

Therefore, we command all Tribunals, Justices, Head Officers, Governors and other authorities, civil, military and ecclesiastic, of whatever class and dignity, to observe and cause to be observed, complied with and executed, the present decree in all its parts.

You will understand it and order it published, printed and circulated.

Given in Mexico, on the 4th of January, 1823.

Rubricked by the Imperial hand.

To Don Jose Manuel de Herrera.

COMP. LAWS, VOL. I, PAGE 632, NO. 316.

Decree of March 31st, 1823.

Reassembling of Congress and cessation of the executive power in existence since May 19th, 1822.

The Sovereign Constituent Congress of Mexico, in the session of the 29th instant, was pleased to issue the following decree:

1. It is declared that a majority of the Congress is reassembled, with one hundred and three Deputies, with full and absolute liberty to deliberate; and therefore in a condition to continue its sessions.

2. That the executive power of Mexico, in existence since the 19th of May, of last year, until now, has ceased.

R. That both resolutions be forwarded to the supreme executive power that may be appointed, that it may make timely communication thereof to whomever it may concern.

NULLITY OF THE CORONATION OF AGUSTIN DE ITURBIDE.

Comp. Laws, Vol. I, Page 634, No. 321.

Decree of April 8th, 1823.

The Sovereign Constituent Congress of Mexico, in the session of yesterday decreed the following:

1. That the coronation of Agustin de Iturbide, being an act of violence and of force, and void in law, there is no occasion to discuss the abdication he makes of the crown.

2. Consequently, it also declares as void the hereditary succession and the titles that have emanated from the coronation; and that all the acts of the late Government, from the 19th of May to the 29th of March last, are illegal, but subject to revision by the present Congress for their confirmation or revocation.

3. The supreme executive power will cause the prompt departure of Agustin de Iturbide from the territory of the Nation.

4. It shall be made from one of the ports of the Gulf of Mexico, a neutral vessel being chartered at the expense of the State to conduct him and his family to the place that may suit him.

5. Twenty-five thousand dollars per annum, payable in this capital, are granted to Agustin de Iturbide during his life, on condition that he establish his residence in some place in Italy. After his death, his family shall receive eight thousand dollars under the rules established for pensions from the military benefit fund.

6. Agustin de Iturbide shall have the title of Excellency.

GALVAN'S ORDINANCES ON LAND AND WATER, PAGE 121.

Order of April 11th, 1823.

In this (order) the government is instructed, if it does not find it inexpedient, to accede to the application of Stephen Austin to confirm his concession to establish 300 families in Texas; to act upon other applications of like nature and to suspend until a new resolution the colonization law enacted by the Instituent Council (Junta).

SALE OF THE REAL PROPERTY OF THE INQUISITION.

Compiled Laws, Vol. 1, Page 648, No. 331.

Order of April 29th, 1823.

The Sovereign Congress has seen fit to approve the following proposition:

Congress decreed that the real property of the extinguished Tribunal of the Inquisition be sold in small parts, and it has had no effect. I request your Honorable Body to urge the Government to comply therewith.

Also that it proceed to the sale of the property of other extinguished communities.

Likewise, that report be required of the adminstrators of properties held in trust and of those of the Nicolaitas, and other similar properties.

DISTRIBUTION OF LANDS TO SOLDIERS.

GALVAN'S ORDINANCES ON LAND AND WATER, PAGE 121.

Decree of June 4th, 1823.

The Sovereign Constituent Congress, fully satisfied of the high qualities that characterize the National Army of the permanent force, no less than of its indefatigable zeal and constant services for the general welfare and prosperity, desirous of giving it the most unequivocal proofs of the singular appreciation of its merits, has decreed:

1. That a copy of the statement made on April 14th, last, by Generals Marquis de Vivanco and Don Juan Antonio Echavarri, be forwarded to the supreme executive power, which will, in accordance with the proposals therein, make the allotment and distribution recommended.

2. That said supreme executive power designate the properties for distribution in the neighborhood of the Court, or in any other place where it may be advisable.

3. That the supreme executive power also prescribe regulations for the selection of persons, order and method of making the distribution, and submit them first to Congress for its approval.

DISTRIBUTION OF LANDS TO SOLDIERS AND WIDOWS.

COMP. LAWS, VOL. I, PAGE 660, NO. 344.

Decree of July 19th, 1823.

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Art. 9. If those who were deserving at the epoch mentioned, do not aspire to any civil or military employment, or, if the supreme executive power does not consider them competent to fill those they apply for, they shall be remembered in the distribution of public lands which Congress shall decree.

* * * * * *

SERGEANTS AND CORPORALS MAY RETIRE AND APPLY FOR LANDS.

GALVAN'S ORDINANCES ON LAND AND WATER, PAGE 123.

Decree of August 6th, 1823.

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Art. 3. Consequently, the supreme executive power shall give said permits and the preference Congress gives to the worthy military class in the distribution of lands in the new towns which are being established.

DISTRIBUTION OF LANDS UNDER DECREE OF JUNE 4TH, 1823, EXTENDED TO THE MILITIA.

GALVAN'S ORDINANCES ON LAND AND WATER, PAGE 123.

Decree of September 18th, 1823.

The Sovereign Mexican Congress has been pleased to decree:

The individuals of the troops of the provincial and local militia, who, at the proper time, aggregated themselves to the liberating army, are included in the decree of June 4th, last, in the distribution of lands.

FORMS THE PROVINCE OF THE ISTHMUS OF TEHUANTEPEC AND PROVIDES FOR COLONIZING THE LANDS OF THE SAME.

Comp. Laws, Vol. I, Page 682, No. 371.

Decree of October 14th, 1823.

Art. 1. A province, to be called the Province of the Isthmus, is formed of the jurisdiction of Acayucan and Tehuantepec.

* * * * * *

5. The revenues of the province shall consist of the revenues and taxes generally established, and besides, of the proceeds from the salt deposits in the District of Tehuantepec, in conformity with the general laws on the matter.

6. With these funds and the sum of $30,000, which the government shall give once only, the settlement and colonization of the public lands in the center of the Isthmus and the bar of Goatzacoalcos shall be proceeded with.

7. The public lands existing in this province shall be divided into three portions. The government shall distribute the first among the soldiers, who may retire with a part of their salary, persons who have performed services for the country, pensioners and retired officials. If there should still remain land of this first portion unoccupied, the government shall distribute it among natives and foreigners who desire to establish themselves: *provided,* they have the qualities of good conduct, industry, etc., preferring those who are married. The second portion shall be sold by the government to native and foreign capitalists who may establish themselves in the country, under the general colonization laws. The third shall be sold or distributed, by the Provincial Deputation, for the benefit of those inhabitants who have no property, on the basis of

this law, in regard to the amount of land given to each individual, and the balance it shall use for public improvements and the education of the citizens of the province.

8. For the execution of the provisions of the preceding article, the government shall appoint a Director or Distributor of lands, to whom it shall give the instructions it considers necessary, and shall send two engineers to Tehuantepec, to make a correct map of that province, and execute the scientific operations for the distribution of the lands.

9. The portion of land assigned to soldiers shall be in consideration of the merits of each one, his rank, and the part of his salary he surrenders when he retires.

* * * * * *

13. The portion of land that shall serve as a unit and shall be granted to a soldier for his establishment, is a square area of farming land of two hundred and fifty *varas* to the side, and this quantity shall be increased in proportion to his family; with the multiplication of this unit, the government shall proportion the amount granted to the other individuals of the army, in attention to the rule laid down in Article 9.

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23. In everything else, the new province will be subject to the general Colonization Laws.

THE CONSTITUTIVE ACT.

COMP. LAWS, VOL. I, PAGE 693, NO. 385.

Decree of January 31st, 1824.

Art. 1. The Mexican Nation is composed of the provinces comprised in the Viceroyalty formerly called New Spain, in what was called the Captaincy General of Yucatan and in the Commandancies General of the Internal Provinces of the East and of the West.

* * * * * *

7. The States of the Federation for the present are the following: Guanajuato, the Internal State of the West, composed of the Provinces of Sonora and Sinaloa; the Internal State of the East, composed of the Provinces of Coahuila, New Leon and Texas; the Internal of the North, composed of the Provinces of Chihuahua, Durango and New Mexico; Mexico, Michoacan, Oaxaca, Puebla de los Angeles, Queretaro, San Luis Potosi, New Santander, which shall be called Tamaulipas, Tlaxcala, Vera Cruz, Jalisco, Yucatan, the Californias, etc.

NEW MEXICO A TERRITORY.

COMP. LAWS, VOL. I, PAGE 709, NO. 411.

Decree of July 6th, 1824.

The Sovereign General Constituent Congress has seen fit to decree:

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Art. 4. The Province of New Mexico remains a Territory of the Federation.

CLASSIFICATION OF GENERAL AND SPECIAL REVENUES.

Comp. Laws, Vol. I, Page 710, No. 415.

Decree of August 4th, 1824.

Art. 1. The following belong to the general revenues of the Federation: Import and export duties now established, or which shall hereafter be established, under whatever denomination, in the ports and frontiers of the Republic.

2. The tax on imports of fifteen per cent, which shall be collected at said ports and frontiers, of the tariff prices increased one-fourth on foreign goods, which shall, by reason of said tax, be exempt from the excise tax in their circulation in the interior.

3. The revenue from tobacco and powder.

4. The excise tax paid on tobacco, in the districts where cultivated.

5. The revenue from the postal service.

6. That from lotteries.

7. That from salt works.

8. That from the territories of the Federation.

9. National property, in which is included that of the Inquisition and temporal property of the clergy, or any other rural or urban property that belongs, or shall hereafter belong, to the public exchequer.

10. The buildings, offices and the lands attached thereto, which belong, or have belonged, to the general revenues and those that have been maintained by two or more of what were formerly provinces, are at the disposal of the Government of the Federation.

11. The revenues not included in the foregoing articles belong to the States.

12. The credits and debits of the revenues apportioned to the States are a part of the credits and debits of the general revenues.

13. In the peninsular of Yucatan, export duties levied on the products of the country shall not be included in the general revenues, nor shall an import tax be established.

14. The sum of $3,136,875, estimated as the deficit in the general expenses, shall be apportioned among the States of the Federation.

15. The apportionment shall be made for the present, and until there is data to determine the pro rata due, in the following manner:

Mexico shall pay	$975,000
Jalisco	365,625
Puebla	328,125
Oaxaca	272,500
Guanajuato	218,750
Michoacan	175,000
Yucatan	156,250
Zacatecas	140,625
San Luis Potosi	101,250
Vera Cruz	97,875
Queretaro	78,750
Durango	67,625
Estado de Occidente	53,125
Tamaulipas	24,500
Tlaxcala	21,875
Tabasco	18,750
New Leon	18,750
Chihuahua	16,875
Coahuila	15,625
	$3,136,875

16. The States shall deliver every month, or every fifteen days, from the day they receive their revenues, the part of the

contingent due for the time expired, it being optional with the government to choose either of the two terms or even to extend them, when the particular circumstances of the State require it.

17. On the first of next September, the revenues and offices pertaining thereto shall be delivered to the States, and the necessary measures shall be taken for the final settlement of accounts.

18. When the States render exact reports of their wealth and population, the present apportionment shall be rectified, and those that have paid in excess shall be given credit therefor, and the balance shall be collected of those that have paid less than was due.

19. The government shall take such measures as are most appropriate to commence collecting the import tax, with all possible promptness, and shall so arrange matters that, as soon as the inland custom houses are delivered, foreign goods in port, or in route, shall not escape payment of the excise tax, and shall see that it is duly and separately collected in said custom houses.

20. National goods shall not pay more than one excise tax in the State where consumed.

21. Consequently, if the excise tax has been collected on national goods and they should afterwards go to another State, the tax shall be refunded.

22. One-third of the contingent to be contributed by the States shall be deducted for the first year.

COLONIZATION LAW.

COMP. LAWS, VOL. I, PAGE 712. No. 416.

Decree of August 18th, 1824.

Art. 1. The Mexican Nation offers to foreigners who may come to establish themselves in its territory, security in their persons and in their property; *provided* they submit to the laws of the country.

2. The object of this law is those lands of the Nation, which, not being private property nor belonging to any corporation or town, can be colonized.

3. For this purpose the Congresses of the States shall enact, as soon as possible, laws or regulations for the colonization of their respective demarcations, in strict conformity with the Constitutive Act, the general Constitution and the rules established in this law.

4. The Territories* comprised within twenty leagues of the boundaries of any foreign nation, or within ten litoral leagues, can not be colonized without the previous approval of the supreme general executive power.

5. If, for the defense or security of the Nation, the Government of the Federation should see fit to use any portion of these lands to construct warehouses, arsenals or other public buildings, it may do so with the approval of the General Congress, and in its recess, with that of the Council of Government.

6. Prior to four years after the publication of this law, no tax whatever shall be levied on the entry of the persons of foreigners who may come to establish themselves for the first time in the Nation.

7. Prior to the year 1840, the General Congress shall not prohibit the entry of foreigners to colonize, unless imperious circumstances force it to it with respect to the individuals of some particular nation.

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*The word "*territorio*", in this article, evidently means "land".

8. The government, without prejudice to the purpose of this law, shall take such precautionary measures as it may consider convenient for the security of the Federation, with respect to foreigners who may come to colonize.

9. In the distribution of lands, preference shall be given to Mexican citizens, and no distinction shall be made between them, except that only to which their individual merits and services to the country entitle them, or in equality of circumstances, residence in the place to which belong the lands to be distributed.

10. Soldiers who, in accordance with the offer of March 27th, 1821, are entitled to lands, shall be attended to in the States, upon presentation of the warrants the Supreme Executive power shall issue them for the purpose.

11. If, by the decrees of capitalization, according to the probabilities of life the supreme executive power should consider it advisable to alienate any portions of land in favor of any employees whatever, military or civil, of the Federation, it may do so from the public lands in the territories.

12. It shall not be allowed that more than one square league of one hundred thousand varas[*] of irrigable land, four of temporal[*] land, and six of range land, be united as a property in a single hand.

13. New settlers shall not dispose of their property in mortmain.

14. This law guarantees the contracts contractors may make with the families they bring at their own expense; *provided,* they are not contrary to the laws.

15. No one who acquires property in lands by virtue of this law can retain them, if domiciled and residing outside of the territory of the Republic.

16. The government, under the principles established in this law, shall proceed to the colonization of the Territories of the Republic.

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[*] This is an error. A square league of land contains twenty-five million square *varas*.

[*] The term, "tem-po-ral" accented on the last syllable, is applied to lands that are not irrigated, but depend on the seasons to produce a crop

CREATES OFFICE OF COMMISSARY GENERAL.

COMP. LAWS, VOL. I, PAGE 715, NO. 423.

Decree of September 21st, 1824.

Article 1. So far as concerns the Federation, the officers of general and local depositories and all revenue employees that have been retained by the Federation, are discontinued.

2. From the Intendants and other discontinued officers the government shall appoint in each State where it appears necessary, a Commissary General for the different branches of the Exchequer, Public Credit and War.

3. These Commissaries shall be, in the State or States and Territories of their demarcation, head officers of all branches of the Exchequer. Consequently, they are responsible for the prompt execution of the laws that govern their administration and all the employees thereof shall be subordinate to them.

4. They shall collect and disburse, under the laws and orders of the government, the proceeds from the revenues and the contingents of the States.

5. The revenue on powder, salt deposits, the proceeds from the revenue on tobacco that belong to the Federation, national properties and vacant lands (*cascos*), contingents, customs, tolls, and all the branches pertaining to the public credit, shall be administered directly by the Commissary. The revenue on tobacco in the places where raised, that from the maritime customs, from the mail and lotteries, shall continue under their special administration, subordinate in all respects to the Commissaries.

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THE CONSTITUTION.

Comp. Laws, Vol. I, Page 719, No. 427.

Decree of October 4th, 1824.

Article 1. The Mexican Nation is forever free and independent of the Spanish Government and of every other power.

2. Its territory comprises that which was the Viceroyalty formerly called New Spain, what was called the Captaincy General of Yucatan and the Commandancies formerly called the Internal Provinces of the East and of the West, that of Upper and Lower California, with the lands therein, and the adjacent islands in both seas. A demarcation of the boundaries of the Federation shall be established by a constitutional law, as soon as circumstances permit.

* * * * * *

5. The parts of the Federation are the following States and Territories: The States of Chiapas, Chihuahua, Coahuila and Texas, Durango, Guanajuato, Mexico, Michoacan, New Leon, Oaxaca, Puebla de los Angeles, Queretaro, San Luis Potosi, Sonora and Sinaloa, Tabasco, Tamaulipas, Vera Cruz, Jalisco, Yucatan and Zacatecas; the Territory of Upper California, that of Lower California and Sante Fe of New Mexico.

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TITLE VI.

The States of the Federation.

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Section Third.

The Obligations of the States.

Article 161. Each of the States is obligated:

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IX. To forward to the two Chambers and, when they are in recess, to the Council of Government, a certified copy of their Constitutions, Laws and Decrees.

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IMPROVEMENT OF RIVERS AND COLONIZATION OF LANDS.

COMP. LAWS, VOL. I, PAGE 738, NO. 432.

Decree of November 4th, 1824.

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4. In the same manner (the government) will publish notice that it will receive any other proposals of the same kind and principally to render navigable the Alvarado, Panuco, Bravo del Norte and Grande de Santiago Rivers and to colonize and make navigable the Colorado River of the West (between Arizona and California).

LAWS OF THE STATE OF THE WEST.

No. 13, Page 18.

Decree of December 9th, 1824.

The Constituent Congress of the free, independent and sovereign State of the West, having taken into consideration the provisional arrangement of the Treasury of the State, has decreed the following:

1. There shall be in this capital a Treasury General, where all the revenues of the State shall enter and be paid out, composed of a Treasurer with a salary of two thousand dollars per annum; an officer who in his case shall take his place also in his absence, sickness or for any other just reason, with a salary of eight hundred dollars; a clerk at thirty-five dollars per month, and a porter at fifteen.

2. That until this is put into execution the general management of the branch of the service be entrusted or confided to the present Commissary, on the supposition that it will be for a very few days.

3. That said Commissary be careful to communicate to the government of the State everything that occurs; in the manner he does it with that of the Federation.

4. That since he is going to conduct the delivery of administrations and extinction of depositories, he leave the first with those who have charge of them and have given sufficient bond for their management.

5. That with regard to the second, let timely regulations follow in the shortest possible time.

LAWS OF THE STATE OF THE WEST (SONORA AND SINALOA).

PART I, PAGE 61, NO. 28.

Decree of April 25th, 1825.

On Stamped Paper.

The Constituent Congress of the free, independent and sovereign State of the West, having taken into consideration the best arrangement for Stamped Paper, has seen fit to decree the following:

1. The requisition for stamped paper which the Commissary General has made to the Supreme Government of the Federation for the consumption of the State is approved.

2. That the government receive the Stamped Paper that may be sent to it by the Administrator at Arizpe, and keep careful account of the denominations that may be unnecessary because the State has them, the paper only being paid for in this case, upon which particular an understanding shall be had with the Commissary General.

3. That a full statement of the paper to be replaced in the proceedings, writings and other documents existing in their archives be required of the Alcaldes and Common Councils.

4. That the government, in view of this statement, fix what it considers proper time for replacing said paper, which must be done by the local authorities in the time in which it was agreed to replace it.

5. The custom that has heretofore been observed of proceeding and of admitting any application on blank paper with the agreement to replace it and also that of the Alcaldes and revenue employees habilitating the same is also absolutely prohibited under any form.

6. The government, upon issuing this paper, will see that the Administrations are supplied with habilitated Stamped Paper in such a manner that there will be an excess rather than a deficiency.

7. That the regulations of the General Congress, which regulates the use of Stamped Paper, be circulated and that the government see to their observance.

You will understand it, etc.

FRANCISCO ORRANTIA,
Deputy President.
TOMAS ESCALANTE,
Deputy Secretary.
JESUS ALMADA,
Deputy Secretary.

FUERTE, April 25th, 1825.

LAWS OF THE STATE OF THE WEST (SONORA AND SINALOA).

PART I, PAGE 66, NO. 30.

Law of May 20th, 1825.

Provisional Law for the Regulation of the Purchase of the Lands of the State.

Article 1. For each dry *sitio*, that can only serve for pasturing stock, ten dollars.

2. For those where well-water can be obtained, thirty dollars.

3. For those that have a spring or river, sixty dollars.

4. The values designated in the preceding articles are considered the minimum for *sitios*, which can in no case be reduced.

Fees of Surveyors.

5. For the survey of one *sitio*, twenty-five dollars.

6. For that of two for the same party, thirty-seven dollars, fifty cents.

7. For that of three id. id. fifty dollars.

8. For that of four id. id. sixty-two dollars, fifty cents.

9. When the surveyor surveys several *sitios*, but for different parties, when they do not exceed one for each applicant, he shall charge twenty-five dollars.

10. For proclamations and management up to putting the *expediente* in condition for final sale, twenty-five dollars.

11. Stamped paper shall be at the expense of the parties interested.

Fees for the Last Public Offer.

12. For the three proclamations of the last public offer and sale, six dollars.

13. For the opinion of the Attorney General, three dollars.

14. For the drum and proclamations, two dollars.

15. The title shall be given gratis.

16. Stamped Paper is at the expense of the parties in interest, to whom nothing shall be charged for the notices and formal proceedings customary in the last public offers.

General Provisions.

17. The surveyors shall be the Mayors of the towns to whose jurisdiction belong the *sitios* registered; but with the authority which the Treasurer General shall previously delegate to them for the purpose.

18. To this end the parties in interest shall present themselves directly to the Treasurer General, and he shall make the proper delegation at the end of the application.

19. The Treasurer, as the immediate chief of all the revenues, shall make the sales and give the titles.

20. The Collector of Revenues at the capital shall always be the Attorney General.

21. To no one who is a new breeder shall more than four *sitios* be given.

22. To those who, from the abundance of their stock, need more, although old breeders, the Treasurer General shall grant only so much more as they need.

23. The Treasurer shall endeavor, by all the means in his power, to satisfy himself of the truth before making the grant which the preceding article provides for, and the party in interest shall take no part in the steps he may take to secure that end.

24. No one shall obtain any *sitio* for live stock without first proving, in the opinion and to the satisfaction of the Attorney General, that he has sufficient to be called a breeder.

25. The Treasurer, to verify the truth for the purpose to which the preceding article refers, may order an investigation made or such secret information taken as may occur to him.

26. For the valuation that should be made of the *sitios* on the value which this law prescribes for them, the Surveyor-Mayors shall appoint persons entirely impartial to the parties

in interest and they shall, after being informed of their obligation, proceed to discharge their commission, with attention to the more or less fertility of the lands, their location and other circumstances, in order to give them the value they ought justly to have.

27. Those who possess *sitios* and who, although they have them registered and surveyed, have not obtained the title, shall present themselves to the Treasurer General and shall state in writing the cause of that failure, the deputy or judge who made the survey for them and the payments they made.

28. The Treasurer shall fix for this purpose the time that seems to him proper and, as soon as he gets all the information together, shall render a report to the government, which shall order the proper steps taken, with regard to the rights of the parties in interest and those of the Treasury.

29. The Treasurer shall give the necessary methods and instructions to the surveyors that the surveys may be lawful and correct.

30. It shall be the obligation of owners of *sitios* to place at their boundary termini the monuments of stone and mortar ordered in repeated laws, as soon as possession thereof is given them; and if within three months from the day the survey is concluded they do not do so, they shall incur a fine of twenty-five dollars, which the Surveyor-Judge shall collect of them for the public funds and, besides, shall order the monuments constructed at the expense of the parties in interest.

31. Those who have an order for the registry of *sitios*, under the former practice, are guaranteed by this law.

32. The tax for army expenses, the half annate tax and the percentage which the former government collected as a general tax, are abolished.

LAWS OF THE STATE OF CHIHUAHUA.

PAGE 38, DECREE NO. 45.

Decree of May 26th, 1825.

Colonization Law of the free State of Chihuahua, divided into three chapters. The first treats of its lands in general, the second of the public lands belonging to said State and of which it can dispose, the third of those belonging to ancient towns and those under private dominion.

Article 1. For a clear and distinct knowledge of the territorial extension of the State of Chihuahua, specific division thereof, the boundaries it has with the other States and Territories of the Federation, and ***those it may have to the northeast of Paso del Norte,*** the government of this State shall give orders for its true demarcation, as soon as circumstances permit it, fixing the boundaries and Territories in accordance with what has been provided by the Sovereign General Congress of Mexico, under date of June 27th of the year last passed; a report of what is done shall be made to Congress of the State.

Art. 2. The said government shall order made at once a map of the whole State so as to facilitate thereby a knowledge of its territory.

Art. 3. There are set aside for colonization the frontier lands belonging to the State called

First: The Haros River, Lake Guzman and the Mimbres River.

Second: The place called El Bracito, and the upper part of the Rio del Norte, as far as the lands belonging to the jurisdiction of El Paso and of which use has been and is made, and where the boundary line ought to be described, and the boundaries with the Territory of New Mexico.

Third: Places in the Sacramento Mountains, and others that may belong to the State toward the Northeast of El Paso.

Fourth: The old Presidio of San Elzeario and the lower part of said Rio Grande del Norte as far as the Presidio of this name and the boundaries of Coahuila and Texas; besides all those mentioned, other places on the frontier which, in the opinion of the government, may be suitable for colonization and settlement, are set aside.

Art. 4. In the execution of this Colonization Law the sovereign decree of the 18th of August of the past year of 1824, shall be kept in mind.

Art. 5. In conformity with the first article of the foregoing cited decree, the free State of Chihuahua shall also guarantee to the colonists, who may come to establish themselves within its borders, security in their persons and in their properties; ***provided,*** they submit themselves to the general laws of the Federation and the particular laws of said State.

Art. 6. The government shall, through the public periodicals or in any other way it may consider desirable, publish invitations to colonize on the lands set aside or that may hereafter be set aside for this purpose, keeping in mind Articles 9, 10 and 12, of said sovereign decree.

Art. 7. The frontier lands of which Article 3 speaks, are offered gratis to the colonists, whose proposals for settlement, industry, introduction of arts, machinery and other industries may be desirable, in the opinion of the government, for the prosperity of the State.

Art. 8. For the purposes of the preceding article said government is empowered, after hearing its Board of Consultation, keeping in mind the qualities of the land and in case the proposals made by the contractors appear to be useful, shall proceed to grant them the lands they apply for, prescribing for them, for the present, the regulations in the instructions given for new settlements by the Commandancy General, which will be spoken of hereafter, reporting with the proceedings to Congress for its information and ratification.

Art. 9. Said government, without prejudicing the purpose of this law, shall take the precautionary measures it may consider advisable for the security and internal tranquility of the State with regard to foreigners who may come to colonize therein.

Art. 10. Regulations, which the government and its Council shall prepare and which shall be presented as soon as possible for the approval of Congress, shall explain in detail the application of this Colonization Law.

Art. 11. Until the regulations spoken of in the foregoing article are prepared and approved, the instructions for new settlements which the late Commandancy General of the Internal Provinces prepared and which were approved by the Royal Order of the 29th of August, 1783, shall be observed in so far as they are not in conflict with the actual adopted system.

Art. 12. In order to settle in towns the heathen, barbarous Indians who lead a wandering life in the State, the government shall set aside the lands it considers suitable for the purpose.

Art. 13. The public lands, waters and woods, that are in the center of the State and do not belong to the Federation, nor to ancient towns, nor are under private dominion, are set aside to be sold at public sale in behalf of the revenues of the State.

Art. 14. For the purpose of the preceding article, there shall be created and formed in the capital of the State a Board of Sales, composed of the Judge of the Treasury, the General Administrator of Revenues, and an intelligent and upright officer whom the government shall appoint, whose powers any other employee of the State may assume and exercise.

Art. 15. The attributes of this Board shall be to have cognizance in the registry of lands, purchases, sales, and other requirements up to their final sale, reporting to the government the final proceedings for its approval.

Art. 16. For the effect and discharge of said attributes said Board shall prepare regulations which, when examined by the government, shall be forwarded with its report for the approval of Congress.

Art. 17. They are lands belonging to ancient towns, and under private dominion, those which they have lawfully acquired and are assigned to them for their establishment and settlement.

Art. 18. The Common Councils or the judges who govern the towns under the Constitution, shall be careful, under their own responsibility, to fix the corresponding monuments in the boundaries of the town commons and on account of the public funds, giving notice to the government that they have so executed it and consulting it in the doubts that arise.

Art. 19. In towns that for some reason are without their respective documents for the common properties they have possessed, the Governor shall order the proper proceedings instituted and specify for them their demarcation according to the instructions cited in Article 11.

Art. 20. When it should be convenient to establish a new settlement on public lands near the boundaries of ancient towns, and when these latter have no pasture, timber or the necessary waters within their town commons, in this case, and that it may not happen that in forming new towns the old ones are destroyed, decreased or damaged, the former (pastures, etc.) shall be common to the neighboring town for the term of forty years, a term considered sufficient for them to plant groves and even artificial meadows within the limits of their properties.

Art. 21. For the perfection and improvement of colonization there is added:

First: That the lands and towns which are depopulated but which may lawfully belong to the Indians be reduced to private properties.

Second: That said lands be distributed gratuitously to said Indians who need land to plant in the towns where they are gathered.

Third: That, if they have sufficient lands in the places where they live, they may be sold to other persons and the proceeds applied to the funds of their community.

Fourth: That the government bring about the colonization of the lands in the upper and lower Tarahumar country by colonists suitable to instruct and civilize the Christian and Pagan Indians who live therein.

Art. 22. For the common good of the State the government shall induce private owners and proprietors of large bodies of lands to settle and cultivate them efficiently, benefiting by means of equitable contracts other needy citizens, whose useful arms are without occupation for lack of lands on which to employ them.

Art. 23. Finally, inasmuch as in the execution of this law some grave doubts may arise, whose solution depends on the circumstances of the case, in this event the Governor shall lay the difficulty before Congress for it to decide what it considers advisable.

CHIHUAHUA, May 26th, 1825.

ATTRIBUTES OF CONGRESS AND OF ITS PERMANENT COMMITTEE.

CONSTITUTION STATE OF THE WEST, OCTOBER 31ST, 1825.

Section Eighth.

Art. 109. The attributes of Congress are:

* * * * * *

XX. To make regulations for colonization in conformity with the laws.

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THE PUBLIC TREASURY OF THE STATE.

Section Sixteenth.

Art. 293. The revenues which the Federation did not reserve to itself by the decree classifying the same of August 4th, 1824, last passed, are those which until now have been the elements that compose the exchequer of the State. Hereafter, Congress shall levy the taxes it sees fit, but only such as are sufficient to cover the deficit against the State in the general expenses of the Mexican Confederation, in the part it has to pay and the particular expenses of said State.

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(Note: State Legislatures, in Mexico, are also called "Congresses.")

ON THE COLONIZATION LAW ENACTED BY THE CONSTITUENT CONGRESS ON THE 26TH OF MAY, 1825.

LAWS OF THE STATE OF CHIHUAHUA, PAGE 59.

The Constitutional Congress of the State of Chihuahua, considering the damages of which the observance of some of the articles of the Colonization Law issued by the former Constituent Congress are at present susceptible, has seen fit to decree:

1. There is no occasion to suspend the part of the Colonization Law, from Articles 1 to 12, which the Constituent Congress issued under date of the 26th of May, 1825, and, on the contrary, in order to facilitate its execution, the Government, together with its Council, shall prepare, as soon as possible, the regulations referred to in Article 10, and, when said regulations are approved, the government shall order that they and this law be printed and inserted in the public periodicals and then proceed to publish invitations for colonists, as provided in Article 6 of said law.

2. The execution of said law, from Article 13 to 16 inclusive, that refer to public lands, is suspended until the Board of Sales prepares and submits for approval the regulations referred to in said Article 16.

3. The disposition of ancient towns, especially those that have no designated boundaries, shall be attended to gradually and in the manner provided in Articles 19 and 10, as far as possible, and information shall not be sought by circulars and common orders that confuse ignorant people, who consider them absolute decrees.

The Governor will understand it, etc.

October 10th, 1826.

PASSPORTS AND ACQUISITION OF PROPERTY BY FOREIGNERS.

COMP. LAWS, VOL. II, PAGE 64, NO. 557.

Law of March 12th, 1828.

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Article 6. Foreigners who have entered and established themselves in conformity with the prescribed regulations or those which shall hereafter be prescribed, are under the protection of the laws and enjoy the civil rights the latter give to Mexicans, except the right to acquire rural landed property, which those not naturalized cannot acquire under existing laws.

7. Those lands that belong to silver reduction works and are necessary to carry out the provisions of the law of October 7th, 1823, in regard to the acquisition of mining shares, are not included in the exception of the foregoing article.

8. The Colonization Law of August 18th, 1824, remains in force.

9. Foreigners not naturalized may also undertake the purchase and colonization of lands of private ownership; but in this case the special permission of the General Congress shall be obtained, if the purchase and colonization be in the Territories, and of the corresponding congresses, if in the States.

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11. The properties acquired by foreigners not naturalized, in violation of the law, are denounceable by any Mexican to whom they shall be adjudicated when the violation is proven.

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REGULATIONS FOR THE COLONIZATION OF THE TERRITORIES.

CODE OF COLONIZATION, MEXICO, 1893, PAGE 237, NO. 71.

November 21st, 1828.

GENERAL PROVISIONS.

Regulations for the colonization of the Territories of the Republic.

It being provided in Article 14 of the general Colonization Law of the 18th of August, 1824, that the government, under the principles established in said law, proceed to the colonization of the Territories of the Republic, and it being opportune to give to said article the most punctual and exact compliance, to enact some general provisions to facilitate its execution in the cases that may arise, the President has been pleased to adopt the following articles:

1. The Political Chiefs of the Territories are authorized, under the law of the General Congress of the 18th of August, 1824, and under the conditions that will hereafter be stated, to grant the public lands of their respective Territories to the contractors, families or private persons, Mexicans or foreigners, who may apply for them, for the purpose of cultivating them or living upon them.

2. Every applicant for land, whether contractor, head of family or private person, shall apply to the Political Chief of the respective Territory, with an application in which is given his name, country, profession, the number, nature, religion and other circumstances of the families or persons whom he desires to colonize, and shall also mark as distinctly as possible and describe on a map the land he applies for.

3. The Political Chief shall proceed immediately to obtain the necessary information as to whether or not the conditions

required by said law of the 18th of August, are found in the application, both as regards the land and the applicant, either that this latter be attended to simply or that he be preferred, and shall at the same time hear the respective municipal authority as to whether any objection or not is found to the grant.

4. In view of all of which the Political Chief shall grant or not said application, in strict conformity with the law applicable to the matter, especially with that of the 18th of August, 1824, already cited.

5. The grants made to private persons or families shall not be held to be definitely valid without the previous consent of the Territorial Deputation, for which purpose the respective proceedings shall be forwarded to it.

6. When the Political Chief shall not obtain the approval of the Territorial Deputation, he shall report to the Supreme Government, forwarding the proceedings in the matter for its consideration.

7. Grants made to contractors for the colonization of many families shall not be held to be definitely valid until the approval of the Supreme Government is obtained, to which a report shall be made and the proceedings forwarded, together with the statement that may appear proper to the Territorial Deputation.

8. The grant asked for being definitely made, a document signed by the Political Chief shall be issued to serve as a title to the party in interest, it being stated therein that the grant is made in entire conformity with the provisions of the laws, in virtue of which the possession shall be given.

9. The corresponding entries of all the applications presented and grants made shall be made in a book intended for the purpose, with the maps of the lands that shall be granted and a detailed report shall be forwarded to the Supreme Government every quarter.

10. No stipulation shall be admitted for a new settlement, unless the contractor obligates himself to furnish at least twelve families as settlers.

11. The Political Chief shall set a reasonable time for the settler, within which he must necessarily cultivate or occupy the land in the terms and with the number of families which he has stipulated, in the intelligence that if he does not do so, the grant of the land shall be void, but the Political Chief may, nevertheless, re-validate it in proportion to the part in which the party in interest has complied.

12. Every new settler, after he has cultivated or occupied the land under his stipulation, shall be careful to so show to the municipal authority, in order to consolidate and secure his right to the property to enable him to freely dispose thereof, after the proper record has been made.

13. The aggregation of many families in a settlement, in its formation, internal government and police, shall follow the rules established in existing laws for the other settlements of the Republic, special care being taken in new settlements that they be constructed with the regularity possible.

14. The minimum of irrigable land that may be given for colonization by a single person shall be two hundred *varas* in a square; the minimum of *temporal* land eight hundred *varas*. The minimum of grazing land shall be one thousand two hundred *varas*.

15. The land that may be given for a building lot shall be one hundred *varas*.

16. The vacant tracts that may exist between colonized lands may be distributed between adjoining holders, who have cultivated their own lands with application and have not received the full extent of land the law allows, or the children of said holders who apply for them to consolidate the properties of their families, bearing in mind therefor the morality and industriousness of the parties in interest.

17. In the territories where there are missions the lands occupied by them cannot be colonized at present, and until it is decided whether they should be considered as the property of the settlements of the Neophytes, Catechumens and Mexican settlers.

COMP. LAWS, VOL. II, PAGE 108, No. 639.

Order of May 10th, 1829.

On the sale at public auction of the property (bienes) and lands (fincas) of the temporalities and the collection of credits in favor of the Federal Treasury, on account of said property (bienes).

His Excellency, the President, has examined, with mature deliberation, the reports and statements which your Excellency forwarded to this department with your communication of the third of last March, of the property (bienes) in which consist the funds of the temporalities of ex-Jesuits and Monastics; of the rural and urban lands (fincas) belonging to the inquisition and that of the moneys loaned on said property (bienes), with distinction of the interests paid and those pending; and his Excellency, considering that in this property (bienes) the federation has a large unproductive capital, from which the treasury does not receive a satisfactory revenue, nor the individuals to whom are delivered some of said lands (fincas), who destroy and strip them, in order to obtain therefrom the profits that suit them, with manifest damage to said lands (fincas) and to the public treasury; his Excellency convinced also of this truth by long experience, and desirous, on the other hand, of providing the public treasury with the receipts it imperiously needs, without which the dissolution of the State follows, has been pleased to determine that all the lands (fincas) and property (bienes) belonging to said subdivison of inquisition and temporalities, be placed at public sale for the disposal thereof to the highest and best bidder, admitting in payment thereof one-half in credits proceeding from salaries and privileged payments; that your Excellency bringing before you said reports deduce therefrom both the interests that appear unpaid in favor of the treasury, that executive action may be taken for their collection, and the *expedientes* which said reports of the property (bienes) and lands (fincas) show to be in question, in order that they may be definitely determined in justice, your Excellency, to this end, calling the timely attention of the chiefs and authorities, who have delayed them, to each and every one of said *expedientes,* with due separation. In the most exact and punctual compliance with this resolution his Excellency, the President, expects to receive another testimony of the zeal of your Excellency for the best service, of your love for the present institutions and of your attachment to his respectable person, of which you have given so many proofs. (This order was made known by means of public announcements, adding): And the Commissary desiring, in the discharge of his duties, that the supreme order inserted have its most punctual observance, has ordered that it be announced to the public for its information and consequent purposes, in the part relating to the sale of the rural and urban lands (fincas) to which it refers, of which and of every thing relating thereto timely information, which is being printed for the purpose, shall be given, the collection of which has delayed until now this announcement, by which bidders are convoked, who in the meantime can apply to the office of the Notary of the Custom House in this capital, where the necessary information will be furnished them.

SEIZURES OF THE REVENUES AND PROPERTIES THAT ARE STATED.

Comp. Laws, Vol. II, Page 154, No. 691.

Decree of September 2nd, 1829.

1. There shall be seized by the Federation the properties of whatever nature they may be of all the persons who have them in the Republic and reside in the country of an enemy.

2. There shall be seized, to the extent of one-half, the revenues of the Spaniards who may be outside of the Republic during the war.

3. There shall be seized by the general government all the lands (fincas) of temporalities that may have been adjudicated to the States by their Legislatures, in conformity with Article 1, clause 9, of the law on the classification of revenues.

4. There shall be seized, to the extent of the third part, the revenues of the Duke of Monteleone, on condition of restitution.

REGULATIONS UNDER THE FOREGOING DECREE.

COMP. LAWS, VOL. II, PAGE 155, NO. 692.

Regulations of September 2nd, 1829.

The Commissaries shall apply to the Governors of the States to furnish them the information and, in necessary cases, assistance to carry into effect the articles of these regulations.

Three Commissioners shall be appointed, one by the Governors of the States, another by the Commissary General, and another by the military Commandant to organize and carry out the seizure, keeping for the purpose a book in which they shall sign the entries.

All the receipts that may be issued shall be signed by the Commissioners with the vise of the Commissary General.

The Commissioners shall propose to the Commissaries, and these shall forward to the Supreme Government, with their report, the persons who shall have charge of the lands (fincas) that may be seized under the articles of this decree.

All the sums that enter shall be forwarded immediately to the respective Commissariats, in which shall be kept in separate books the accounts and condition of these branches of the service.

The Commissaries shall report by each mail the results of these provisions, with exception of the places where there is none of the property (bienes) to which the hereinbefore inserted decree refers, stating it in this manner to the government.

COMP. LAWS, VOL. II, P. 238, No. 809.

Decree of April 6th, 1830.

The introduction of certain cotton goods is permitted; uses of the duties they may produce, and provisions relating to colonization and commerce.

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Art. 3. The government shall have power to appoint one or more commissioners to visit the colonies of the frontier States, to contract with their legislatures for the purchase, in the name of the Federation, of the lands they may consider suitable and sufficient for the establishment of colonies of Mexicans and of other nations, to enter into such arrangements with the colonies already established as they may deem proper for the security of the Republic, to see to the exact compliance with the contracts upon the entry of new colonists, and to examine as to how far those already entered into, have been complied with.

4. The executive shall have the power to take the lands he may consider suitable for fortifications and arsenals, and for new colonies, and shall give the States credit for their value on the accounts they owe the Federation.

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7. Mexican families that voluntarily wish to colonize shall be given aid for the journey, maintained for one year and given lands and other necessaries for farming.

8. The individuals of whom the foregoing articles speak, shall submit to the colonization laws of the Federation and of the several States.

9. Entry into the frontier of the North, under whatever pretense, is prohibited to foreigners, unless they are provided with

a passport issued by the agents of the Republic, in the places of their departure.

10. No change shall be made with respect to the colonies already established, nor with respect to the slaves in them; but the general government and that of each particular State shall, under their own strictest responsibility, see to the observance of the colonization laws, and that slaves are not again brought in.

11. In the exercise of the power which the general Congress reserved to itself, in Article 7 of the Law of the 18th of August, 1824, it is forbidden to colonize foreigners of adjacent countries in those States and Territories of the Federation which adjoin their nations. Consequently, the contracts which have not been complied with, and are contrary to this law, shall be suspended.

SONORA MADE A SEPARATE STATE.

Comp. Laws, Vol. II, Page 291, No. 875.

Law of October 13th, 1830.

The division of the State of Sonora and Sinaloa, in the manner asked for by their Honorable Legislature, is approved, Sinaloa becoming a separate State and Sonora another.

CREATES A GENERAL DEPARTMENT OF REVENUES.

COMP. LAWS, VOL. II, PAGE 308, NO. 893.

Law of January 26th, 1831.

Art. 1. A general Department of Revenues is established, under whose control shall be all branches of the Treasury which are administered for the Federation, except the general administration of the Mail and that of the Mint.

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3. The General Director and the Auditors shall be appointed by the government, in conformity with Clause 6 of Article 110 of the Constitution. The other employees shall likewise be appointed by the government, from the three nominated by the Director with the approval of the corresponding Auditor.

4. The General Department shall be divided into three sections, under whose charge shall be the different branches of the Treasury, and the Benefit Fund of Ministers and Officers, as the regulations may provide. Each Auditor shall be the Chief of a section.

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12. The Commissariats shall continue to receive the revenues that are not under the control of the Departments, but with regard to those which are, they shall receive only their net products and shall have no other control in their administration than that of making cash statements, and watching over the conduct of the employees, and shall inform the Department of

whatever abuse they observe, and shall discharge the commissions or duties the Department may entrust to them.

13. The proceeds from National property shall be collected by commissioners under the immediate direction of the General Department.

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22. This decree shall not go into effect until those that regulate the General Treasury and the Commissaries are promulgated.

CREATES COMMISSARIATS AND COMMISSARIES.

COMP. LAWS, VOL. II, PAGE 329, No. 942.

Law of May 21st, 1831.

Art. 1. There shall be Commissaries General in the following demarcations: Chiapas, Chihuahua, together with the Territory of New Mexico, Coahuila and Texas, Durango, Guanajuato, Mexico, together with the Federal District, Michoacan, together with the Territory of Colima, New Leon, Oaxaca, Puebla, together with the Territory of Tlaxcala, Queretaro, San Luis Potosi, Sonora, together with the Territory of Upper California, Sinaloa, with Lower California, Tabasco, Tamaulipas, Vera Cruz, Jalisco, Yucatan, Zacatecas.

2. The personnel of the Commissariats shall be the following:

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Chihuahua, Durango, Michoacan, San Luis Potosi, Sonora, Sinaloa.

1 Commissary with an annual salary of	$2,000
2 Auditors of the Treasury at twelve hundred dollars each	2,400
1 First Officer	800
1 Second Officer	600
1 Clerk	500
1 Porter-Clerk, Auditor of Moneys	400
Total	$6,700

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3. The government shall fix the residence of the Commissariats in the most suitable places.

4. The Commissariats General of the Treasury, Public Credit and War, shall be subordinate to the Treasury General of the Federation in regard to the distribution of funds.

5. The attributes of the Commissaries are: First: to collect and distribute the funds belonging to the Federation under the orders of the Treasury General. Second: Intervene in the cash statements of the receiving officers of the Federation in the place of the residence of the Commissariats. Third: Discharge the commissions and orders the government shall entrust to them, relating to the service of the public exchequer, and also those entrusted to them by the Directory General in relation to receiving offices.

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39. The system of accounts in the Commissariats and Sub-Commissariats shall be uniform with that of the Treasury General of the Federation, and to that end the government shall distribute the necessary regulations within two months after the publication of this law.

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REGULATIONS UNDER THE LAW OF JANUARY 26th, 1831.

COMP. LAWS, VOL. II, PAGE 341, NO. 961.

Circular of July 7th, 1831.

Art. 1. In accordance with the provisions of Article 1 of the Law of January 26th, of the current year, which establishes the General Department, this latter is divided into three sections, under whose charge shall be the different branches of the Treasury, which are administered for the Federation and the Benefit Fund of Ministers and Officers, in the following terms:

The First Section, of which is Chief the First Auditor:

Tobacco, as stated in its place.

Powder, in whatever relates to its management.

Stamped Paper, for the consumption of the District and Territories, and the tribunals and offices of the Federation.

National property (*bienes*), in which is included, under Article 9 of the Law of August 4th, 1824, that of the Inquisition and Temporalities, and all other country or town property (*fincas*) belonging to the Federation.

The Second Section, of which is Chief the Second Auditor:

All branches whose administration is entrusted to the maritime and frontier custom houses, those of the Federal District and Territories, and weighing duties.

The Third Section, of which is Chief the Third Auditor:

Lotteries, Salt Deposits, Benefit Fund of Ministers and Officers, Indifferent and Extraordinary.

2. The branches of the Treasury referred to, which are administered for the Federation, being under the management of the Director General, everything pertaining to the management

and economy thereof is within his attributes as Chief of said revenues and of the employees who administer them.

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10. The General Department shall take an exact account of the number, location, value, condition and present method of administration of all the property (*bienes*) and estates (*fincas*) of the Nation, in which are included those of the Inquisition and Temporalities and all others that belong to the Public Exchequer, in accordance with said Law of August 4th, 1824. It shall see to the thorough collection of the proceeds, as provided in that particular in the Law of January 26th, last, and in other laws on the matter now in force, procuring the best management, increase of returns and best possible economy in the expenses; and it shall do whatever it considers most beneficial in regard to the sale, lease or other means of administration that may be advisable, in whole or in part, of the property (*bienes*) in question.

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TREASURY REGULATIONS.

COMP. LAWS, VOL. II, PAGE 351, NO. 963.

Decree of July 20th, 1831.

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73. The Commissaries General, in their respective demarcations, shall receive the net proceeds of the revenues that are under the supervision of the Directory General, shall have superintendence of those not under any other department, shall receive the proceeds from other classes of income, for which purpose they may incur the necessary expense, and shall disburse them all, under the orders of the Treasury General, to meet the needs and obligations of the Federation; they shall inspect the balances of the general offices and depots subject thereto; they shall care for and have under their supervision the depots of the Treasury; they shall see that the employees fully and faithfully perform their duties; over canals, bridges and common roads they shall have the supervision the laws and regulations on the matter give, or shall give them; they shall discharge the orders and commissions of the government relating to the service of the Public Treasury, and those of the Directory General relating to Receiving Offices, and, finally, such other duties as the laws have assigned or shall hereafter assign to them.

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76. The Commissariats General of Chiapas, Chihuahua, Coahuila and Texas, Durango, Guanajuato, Jalisco, Michoacan, New Leon, Oaxaca, Puebla, Queretaro, Tabasco, Vera Cruz and Zacatecas, shall be established in the capitals of said States; that of Mexico in the Federal City; that of Tamaulipas in the Port of Matamoros; that of Sinaloa in the village of Rosario;

that of Sonora in Arizpe and that of Yucatan in Campeche; but if the Commissaries observe greater advantages in changing the residence of any of them, they shall bring it to the notice of the government and give the reason for their opinion, in order to reach a proper conclusion.

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84. The Commissaries General, in each fiscal year, shall keep a book paged and rubricked by themselves and by the Auditors, in which they shall order made a record of the day on which they receive the orders of the Supreme Government, of the Directory or of the Treasury General. They shall copy therein and thereafter, together with the instructions it may be necessary to give to whomever it is required to communicate the same, the date on which it is done and that on which they receive the reply, and shall be very careful to require this latter when it is a question of reducing expenses, making a collection, etc. The memorandum of the day on which the reply is received, shall be made on the left margin, which shall be left on every page of said book.

They shall forward the original orders relating to the collection or disbursement of funds, after entering them in said book, and with instructions at the end thereof to comply therewith, to the Auditors of the Treasury, who shall, in acknowledgment of the receipt thereof, sign said entry; and the Commissaries shall always see that they comply. Laws and decrees on the same matters shall, in like manner, be delivered to the Auditors.

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126. All purchases, sales, and contracts made on account of the Treasury, whatever be their purpose, shall be made by the Commissaries General sitting as Boards of Sale; but before convoking them, it shall be absolutely necessary to receive first the order therefor, either from the Supreme Government, communicated directly or through the Treasury General, or rather

from the Directory of Revenues, when it relates to matters subject thereto.

127. Said Board shall hold its sessions in the room most suitable for the purpose in the Commissariats, or in the public place nearest to those offices, and the regular members shall be the Commissary or Sub-Commissary, who shall preside, the senior officer of the Treasury, or the one who acts in his stead, and the Attorney General, where there is one, and each of these employees shall take the place or seat to which he is entitled in the order in which they are named.

128. Besides the regular members, there shall be special members, depending on the sale, purchase or contract being made, for, when it relates to the offices or revenues in the Federal District which are subject to the Directory General, the Auditor in charge thereof shall attend, and if subject to any of the other departments, the Chief Clerk of the Bureau of Accounts and Records of the Department of the Treasury. If it relates to supplies for Army service, the officer appointed by the proper Inspector shall be present; if to business pertaining to the Artillery Arsenals or factories connected therewith, the Chief Officer thereof; if to Hospitals, the First Assistant of the Medical Corps; if to fortification works, the Chief of the Corps of Engineers; and if, finally, to other matters, the employee of the nearest related department appointed by the Commissary General, who shall give timely notice to the regular and special members, of the day and hour of the sale, which ordinarily shall be at ten o'clock in the morning.

When military officers, Auditors of the Directory General and the Chief Clerk of the Bureau of Accounts and Records, attend as members, they shall take seats in the Board next after the Commissary General.

129. In the other Commissariats or Sub-Commissariats the Chief Officer of that Department of the Revenue in question, if he has his residence there, shall be a special member of the Board of Sale, in matters relating to the Revenues; so also the persons referred to in the preceding article, in their respective cases, or their Chief Clerks. In contracts relating to the Army the Commissaries or Sub-Commissaries, shall give notice to the General or Subordinate Commanding Officers, to appoint the Chief Officer or subaltern who is to be present.

130. If there is a Notary Public in the place, he shall necessarily be present at the sessions of said Board, and whatever is done therein, shall be certified to by him or by two attending witnesses, in case there is none.

131. That there may be occasion for holding said sessions, the sales or purchases intended to be made shall be published for at least eight days beforehand by placards, which shall be put up in the most public and frequented places, and they shall also be inserted in the newspapers of greatest circulation, if there be any in the place, the Commissaries being careful that such notices contain the necessary information about the matter and its most essential circumstances.

132. When the sale is opened, and the customary proclamations have been made, all lawfully made bids shall be received until the day of final sale, which shall be made to the bidder who offers the most advantages to the Treasury, as determined by an absolute majority of the votes of the Board, which minute and everything that may have occurred at the sale shall be entered on the book, which the Commissaries and Sub-Commissaries shall keep for the purpose, and which the members shall sign with attending witnesses or with the Notary, who, besides, shall draw up all other necessary papers. In the absence of a Notary, a clerk, whom the Commissary General shall bring for the purpose, shall draw up the minutes and the conclusions.

133. After the legal term has expired, the Commissaries and Sub-Commissaries shall forward the proceedings with their report thereon to the Supreme Government, without whose approval the purchase, sale or contract shall not be carried into effect.

134. When there is evidence that any member of the Board has bought or sold at the sale, himself or through a third person, the sale shall be void and he shall be punished with the penalties the laws impose upon those who commit like abuses.

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ESCRICHE, DICTIONARY OF LEGISLATION AND JURISPRUDENCE.

Vol. II, Page 262.

Conciliation or Peace Proceedings. A judicial act, the purpose of which is to avoid the suit some one wishes to bring, by causing the parties to agree or settle their differences in the matter that gives rise to it.

1. Conciliation proceedings were not known among us until they were established in the Constitution of 1812, etc. (Spain.)

COMPILATION OF MEXICAN LAWS BY ARRILLAGA.

Page 171.

DECREE. Provisions made to expedite the administration of justice in the District (Federal) and Territories: Powers of Courts of First Instance and complement of subordinates.

July 22nd, 1833.

That taking into consideration that, before the decree of October 21st, 1824, was issued by the Constitutional Audience of Mexico, the learned Judges had power to impose, by way of correctional punishment, as much as six months on public works for unimportant offenses, as is inferred from said decree; that this power was, in a certain manner, in accordance with the practice observed before the Spanish Constitution by the Alcaldes of Ordinary Jurisdiction and Sub-Delegates, who were succeeded by the learned District Judges; that the Constitutional Audience could not make general declarations in decrees, as it was prohibited by the decree of October 9th, 1812, which limited their attributes solely to those indicated in Article 13 of Chapter 1; that no tribunal of justice can dictate general provisions without violating constitutional principles, because, if they are reglamentary, they correspond to the Executive, and if legislative, they are peculiar to Congress; that the decree made by the Supreme Court of Justice on the 14th of July, 1827, reproducing the former one of the Audience, is in the same case as that one, because, according to the decree of May 23rd, 1826, the Supreme Court has no other attributes than those the decree of October 9th, 1812, gave to the Audiences; that, moreover, these decrees are contrary to the letter and spirit of Articles 9 and 20, Chapter 2, of said decree of October 9th, 1812; that the Constitutional Alcaldes, by declaration of the government of

October 29th, 1831, are empowered to impose as much as six months on public works for crimes within their jurisdiction, and, finally, that the administration of justice suffers very considerable delays from the necessity the Judges are under of formalizing the causes of more than one hundred criminals which, as a rule, are pending in each court, which is prejudicial to the innocent and least guilty, and public opinion, because of the great delay, and because the attention and time consumed in the formation of preliminary proceedings can be utilized more advantageously in the investigation of serious crimes, which ordinarily is urgent and important; and desiring to remove the obstacles which the decrees of October 21st, 1824, and July 14th, 1827, offer to the prompt administration of justice no less than the system observed in the classification of delinquents, whose apprehension is made by police functionaries and agents, who ordinarily lack the necessary intelligence to classify and graduate crimes, or competent authority to decide in many cases, avoiding suffering and damage to citizens, I have seen fit to order, using as far as necessary the extraordinary powers with which I am vested:

Art. 1. That in all cases referred to in Article 9, Chapter 2, of said law of October 9th, 1812, the judges of first instance of the federal district and territories, conform to its tenor, taking cognizance and acting precisely in verbal proceedings, without appeal or other formality than to render the decision, with a succinct statement of the facts signed by the Judge and Notary, in a book they shall keep for the purpose.

Art. 2. That in the cases for trivial offenses referred to in the first part of Article 20, of said Chapter and Law, such as simple robbery, the amount of which does not exceed one hundred dollars, affrays, carrying arms, light or serious wounds by accident, and in which, when the wound heals, no considerable damage results and those that belong to this class, said Judges of First Instance likewise proceed, according to the literal tenor of said first part, with power to impose on criminals as much as six months confinement, jail service, public works or other similar punishments, according to the practice of the tribunals, and double time in case of a second offense, inflicting these penalties without reporting to the superior tribunal, except in case of appeal they allow the parties, provided they interpose it; all in accordance and in the manner in which they did it before said resolution of the Audience of October 21st, 1824.

Art. 3. The causes referred to in the preceding article shall be decided by said Judges of First Instance, as soon as possible, not exceeding the term of fifteen natural days, counted from the day of the imprisonment of the criminal, with the understanding that the Judge who does not give a decision in that time shall incur the first time a fine of two hundred dollars; the second time, the penalty of suspension from office, and of his salary for six months, this latter being given to the one who takes his place; and the third time, he shall be deprived of his office and shall not obtain any other in the Federation until after three years.

Art. 4. That all criminals they apprehend within the Federal District be carried and placed in the city prison, where the Judge on duty should be found from eight o'clock in the morning until the same hour at night, to proceed to act at once in the cases that require it from their nature, in accordance with the laws, to consign to the proper authorities the criminals from other jurisdictions and to order the transfer to the national prison of the criminals who are ready for the formation of their causes.

Art. 5. There shall be in each court one Notary and two clerks, furnished solely for the dispatch of criminal business, until Congress arranges the administration of justice.

Art. 6. The Notaries shall receive a salary of one thousand dollars per annum, and the clerks three hundred dollars.

Art. 7. The appointment of the Notaries shall be made by the Supreme Government, upon the report which the several Judges shall make upon the individuals who have titles as such and appear to them most competent; and that of the clerks shall be made by said Judges on nomination by the Notaries.

Art. 8. These can not be objected to entirely by the parties, but they shall be removed by the Supreme Government whenever it deems it expedient, as also the clerks, who can be removed by the Judges.

Art. 9. Neither the Notaries nor the clerks shall receive or charge any pay or fees under any pretext or motive, under penalty of loss of office, which shall be done in the act, and whatever else there is occasion for.

Art. 10. All the courts of First Instance in the Federal District and Territories shall be careful to forward through the Governors and Political Chiefs, at the end of each month, a detailed statement of the causes they have decided in conformity with Articles 1 and 2 of this decree, which shall be published by the press.

The decree of October 21st, 1824, cited in the foregoing is as follows:

RESTRICTIONS ON THE POWERS OF THE LEARNED JUDGES OF MEXICO.

In the City of Mexico, on the 21st of October, 1824.

The Regent and Magistrates of this most Honorable Audience having examined, at a formal session, this *expediente* made by virtue of the petition of the criminal, Ramon Ortega, sentenced to public works, with which the court reporter reports, said: That in accordance with Articles 9 and 20, Chapter 2, of the Law of the 9th of October, 1812, the learned Judges of this capital are directed to hereafter put in execution no sentences to public works or any other corporal punishment without reporting the same day they pronounce it to the Superior Tribunal with the proceedings had before them to that end, forwarding the original proceedings, if the cause is formal, or a *testimonio* if they are only set out on the books of their courts, where they should always be spread out in the respective entries, this being understood without prejudice to the powers the said article gives them in regard to misdemeanors and trivial offenses that do not merit corporal punishment, but only a warning, reprimand or slight correction; consequently, they ordered that the criminal, Ramon Ortega, be restored to prison by Licentiate Daza and that he report with the *testimonio* of the proceedings which he says were had for the purpose of sentencing him, and when received, the Notary's office shall forward them to the court reporter in order that they may, on the following day, be dispatched among the first, which practice shall be observed in all similar cases that occur, and to this end it shall be made known to the junior officer of the criminal department; finally, they ordered that the jailor be instructed to report daily and at the first hour with a detailed list of the entrances and discharges of criminals since the preceding Audience, stating the chiefs to whose disposition they entered and those who signed the tickets for their discharge. And by this decree they ordered and rubricked.

Here follow nine rubrics of Messrs. Villaurrutia, Campo, Yanez, Berazueta, ,Flores, Pena, Rosas, Fernandez, Sanchez, Miguel Diaz de Bonilla.

COMPILATION OF MEXICAN LAWS BY ARRILLAGA, PAGE 208.

Decree of May 23d, 1826.

Attributes of the Supreme Court of Justice.

Art. 1. The Supreme Court of Justice shall exercise, for the present, in the District and Territories, the attributes that belong to the Audiences beyond the sea, under the Law of October 9th, 1812, and which consisted of three chambers, in so far as they do not conflict with the Constitution and the laws of the Union.

Art. 2. During the exercise of these attributes it will appoint two agents, to be nominated by threes, by the Attorney General.

Art. 3. These agents shall receive a salary of two thousand five hundred dollars per annum, without any fees or other remuneration whatever under penalty of losing their offices, with the understanding that, after said offices are abolished, they are to have no right to their salary, in whole or in part, nor to be retired.

COMPILATION OF MEXICAN LAWS BY ARRILLAGA, PAGE 171.

Decree of July 22d, 1833.

Re-enacts decree of the Spanish Cortes of October 9th, 1812, as follows:

CHAPTER I.

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AUDIENCES.

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CHAPTER II.

DISTRICT JUDGES.

Art. 1. The Provincial Deputations or the Boards where the Deputations have not been established, shall, together with the Audience, make a provisional distribution of districts in their respective Provinces, so that there may be a Judge learned in the law in each one of them, in conformity with Article 273 of the Constitution.

Art. 2. In the peninsula and adjacent islands they shall make the districts proportionally equal, but they shall not fall below five thousand residents; keeping in mind the greatest proximity and convenience of the towns to appear to have justice administered to them, and to make the seat of the district that town which, on account of its situation, population, size and other circumstances, is most suitable therefor.

Art. 3. Beyond the sea they shall also make a suitable distribution of districts, remembering that there must be a Judge of First Instance, learned in the law in a territory that reaches five thousand inhabitants.

Art. 4. Notwithstanding what is provided, whenever any territory or district already formed, whether in the peninsular or beyond the sea, can not be joined to another on account of its situation and distance, or on account of the great extent of the country, the Deputation shall make a separate district thereof, or shall retain it as it is, in order that it may have a Judge of First Instance, although it does not contain the number of inhabitants prescribed.

Art. 5. A town whose numerous population is equivalent to that of one, two or more districts, shall have the necessary number of Judges of First Instance, and there may be aggregated to them those small towns to which, on account of their nearness, it may be most convenient to go for the prosecution of their law-suits.

Art. 6. The Deputations, and where there are none, the Boards, shall propose at the same time, also together with the Audiences, the number of subordinates of which each Court of First Instance shall be composed.

Art. 7. When the distribution is made, it shall be forwarded to the Regency of the Kingdom, who will forward it to the Cortes with his report, and when approved by it, it shall be returned to the Regency to appoint immediately the necessary Judges of First Instance.

Art. 8. The cognizance of these Judges and their jurisdiction shall be restricted precisely to litigious matters in their district.

Art. 9. In civil suits that do not exceed five hundred *reales de vellon* ($25), in the peninsular and adjacent islands, and one hundred hard dollars beyond the sea, and in criminal suits over words and trivial offenses that do not merit any other punishment than a warning, reprimand, or slight correction, the District Judges shall not have cognizance, except as regards the town where they reside, and by way of precaution with the Alcaldes of the same. And both shall decide matters of this character necessarily in a verbal judgment, and without appeal or other formality than that of entering the decision, with a succinct statement of the facts signed by the Judge and Notary, in a book which shall be kept for this purpose.

Art. 10. All other suits and civil or criminal causes of whatever class or nature, that occur in the district between whatever persons, shall be entered and followed precisely before the learned Judges of the same, in the first instance, excepting those cases where ecclesiastics and military men are exempted under the Constitution and without prejudice to those cases where, under this law, the Alcaldes of the towns can and should have jurisdiction and to those that are reserved for special tribunals.

Art. 11. Of the causes and suits that exceed the amounts mentioned in Article 9, and do not exceed fifty hard dollars in the peninsular and adjacent islands, and two hundred beyond the sea, the District Judges shall take cognizance by written proceedings in conformity with the law, but without appeal, the recourse of nullification remaining to the parties before the Audience of the Territory, when the Judge contravenes the law that regulates the trial. This recourse shall be interposed before the same Judge within the eight days following notification of the sentence, the provisions of Articles 46 and 54 of Chapter 1, being respectively observed.

Art. 12. As the recourses of which some of the Audiences have heretofore had cognizance, under the name of ordinary decrees and signatures, cannot now be heard in First Instance before them, all persons in any Province of the Monarchy, who may be dispossessed or disturbed in the possession of any profane or spiritual thing, whether the disturber be an ecclesiastic, a layman, or a military man, shall apply to the learned Judges of the district that they may restore them and protect them; and these shall have cognizance of the recourses by the most summary corresponding proceedings, and even by absolute proceedings of possession, if the parties institute them, with appeal to the respective Audience, in the manner and cases provided in Article 43 of Chapter 1, the suit on the right of property being reserved to the Judges who are competent, provided things or persons that enjoy special privileges are treated of.

Art. 13. The District Judges shall admit no criminal or civil suit for defamation, unless a certificate of the Alcalde of the respective town accompanies it to show that an effort at conciliation has been attempted before him, and that the parties have not agreed.

Art. 14. The District Judges with respect to the towns where they live, shall have cognizance, by way of precaution, with the Alcaldes of the same, in the making of inventories, evidence *ad perpetuam* and other judicial proceedings of like nature, in which there is yet no opposition of parties.

Art. 15. They shall also have cognizance of civil causes and of criminal causes for common crimes that occur against the Alcaldes of the towns of the district. Those of the same class that occur against the learned Judge shall be brought and prosecuted before the Judge of the district whose capital is nearest.

Art. 16. In criminal causes, after the conclusion of the summary proceedings, and after taking the confession of him who is treated as a criminal, all the proceedings and other acts that take place shall be before a public Audience, that the parties who so desire may be present.

Art. 17. All the witnesses who are to testify in any civil or criminal cause shall be examined necessarily by the Judge of the same, and if they live in some other town, by the Judge or Alcalde of that of their residence.

Art. 18. All the Judges of First Instance shall pronounce sentence, in the criminal and civil causes of which they have cognizance, precisely within eight days after their termination.

Art. 19. Notification of every sentence in First Instance in criminal causes shall immediately be given to the accuser and criminal, and if either of them appeals, the original proceedings shall go to the Audience without any delay, the time being set for the parties.

Art. 20. If the plaintiff and defendant accept the sentence and if the complaint is for a trivial offense, for which corporal punishment is not imposed by the law, the District Judge shall execute his sentence. But if the complaint is for a crime for which the law provides corporal punishment, the proceedings shall be forwarded to the Audience after the time for appeal, although the parties do not interpose it, previously summoning them and setting a time.

Art. 21. In all civil complaints in which, under the law, appeal should be allowed in both cases, the original proceedings shall be forwarded to the Audience without requiring any fees under pretext of transcript.

Art. 22 The appeal being admitted frankly and openly by the Judge of the District, he shall immediately forward the proceedings to the Audience at the expense of the appellant, after summoning the parties in interest, to appear and avail themselves of their right.

Art. 23. Of any complaint or suit after its termination the District Judges shall also give a *testimonio* to any one who asks it at his expense to print it and for other purposes, except those complaints where public decency requires under the law that they be seen within closed doors.

Art. 24. The District Judges in the towns where they reside shall publicly make general and weekly inspections of the jail on the days and places provided in Articles 56 and 58 of Chapter 1, and two members of the *Ayuntamiento* appointed by him under Article 57, shall be present without voice. The Judges shall conform in both inspections to the provisions of Article 59, and report monthly the result of all of them to the Audience. They shall also visit the jail whenever any prisoner asks for an audience and they shall hear whatever he has to say.

Art. 25. The District Judges shall for the present have an annual salary of eleven thousand *reales de vellon* ($550) and court fees, according to the tariff, in the Peninsular and adjacent islands. These salaries shall be paid from the funds of the towns of the district, or in the absence thereof from other means which the Provincial Deputations shall propose to the Cortes through the Regency.

Art. 26. Beyond the seas the Captain General of each Province, after hearing the Intendant or Chief of the Treasury of the same, and the Audience or Audiences of his district, shall propose to the Regency, with the transmittal of the proceedings, the salary the District Judges should receive in each one, in addition to the present tariff fees, considering the circumstances of the respective regions, and the Regency shall forward it to the Cortes with its report. These proposals shall be made with the understanding that the difference between the three classes of these Judges now established is to cease and in the mean time they shall all receive an annual salary of fifteen hundred hard dollars and the fees mentioned.

Art. 27. Hereafter the District Judges will not be required to give bonds.

Art. 28. These Judges shall hold their offices six years at most, but they shall not cease in their functions until they are provided with other offices, if there is no just reason for suspending or separating them under the Constitution.

Art. 29. The District Judges shall be substituted in their absences, sickness or death, by the first Alcalde of the town in which they reside, and if any of the Alcaldes is learned in the law, he shall be preferred. Beyond the sea, if the Judge dies or is disqualified, the Superior Political Chief of the Province, at the proposal of the Audience, shall appoint a learned lawyer to take his place *ad interim*, and shall report it to the government.

Art. 30. The Viceroys, Captains and Commandants General of the Provinces, and the military governors of fortified places and arms, shall restrict themselves to the exercise of military jurisdiction and other powers given them by the ordinances, and all other governments and magistracies with *capa* and *espada* are suppressed as are likewise suppressed the magistracies and tenancies of letters, the office of Chief Alcalde of whatever class and the sub-delegations beyond the sea, as soon as the provisional distribution of districts is made and approved and Judges are appointed therein.

Art. 31. The Solicitors, the Viceroys, Captains and Commandants General of some of the Provinces have in addition to the Auditors of War are also suppressed, and they shall use their Auditors as solicitors in the exercise of the military jurisdiction given them.

Art. 32 As, under the provisions of the Constitution, there should be no special privileges, other than the ecclesiastic and the military, all other special Judges of whatever class, shall cease in the exercise of their jurisdiction, and all civil and criminal matters that occur in each district shall be heard before the learned Judge of the same and the Alcaldes of the towns as provided in this law. The courts of the public treasury, the consulates and the mining tribunals, are nevertheless excepted, and they shall continue as they now are until a new resolution of the Cortes.

Art. 33. Complaints and suits pending in the special courts that are suppressed shall be transferred immediately to the Judges of First Instance of the several towns, and where there is more than one Judge, they shall be distributed.

Art. 34. Contentions as to jurisdiction that occur in the Peninsular and adjacent islands between learned District Judges and special courts or tribunals, shall be decided by the Supreme Tribunal of Justice to which the original proceedings had thereon shall be forwarded.

CHAPTER III.

CONSTITUTIONAL ALCALDES OF THE TOWNS.

Art. 1. Inasmuch as the Alcaldes of the towns exercise therein the office of conciliators, every one who has occasion to bring suit against another before the Judge of the district, in civil matters or for defamation, shall present himself to the proper Alcalde, who, with two good men appointed, one by each party, shall hear both parties, shall inform himself of the reasons they allege, and, when he has heard the opinions of the two associates, shall, within eight days at most, give the decision of conciliation that appears to him proper to terminate the litigation, without further progress. This decision shall, in effect, terminate it, if the parties are pacified thereby. It shall be entered in a book, which the Alcalde shall keep with the title, "Decisions of Conciliation," said Alcalde, the good men and the parties in interest, if they know how, signing it, and the certificates they ask for shall be given them.

2. If the parties do not acquiesce, it shall be so noted in said book, and the Alcalde shall give to him who asks it a certificate that an effort at conciliation had been attempted and that the parties in interest did not agree.

3. When, before the proper Alcalde Conciliator, complaint is made against any person who lives in another town, he shall summon him, by means of an official communication, to the place where he resides, to appear in person or by attorney, with ample power, within sufficient time which he assigns him, and if he does not appear he shall give the plaintiff a certificate stating that an effort at conciliation had been attempted and that it had had no effect by the default of the defendant.

4. If the complaint before the Alcalde Conciliator should be on the retention of effects of a debtor who intends to remove them, or on the prohibition of a new work or other thing of like urgency, and the plaintiff asks the Alcalde to immediately issue a provisional order to avoid damage from delay, the Alcalde shall do so at once and shall proceed immediately to the conciliation.

5. The Alcaldes shall also have jurisdiction, in their respective towns, in civil suits that do not exceed five hundred ***reales de vellon*** ($25) in the Peninsular and adjacent islands, and one hundred hard dollars beyond the sea, and in criminal

matters on defamation and trivial offenses that do not merit other punishment than a reprimand or slight correction, both being determined in a verbal hearing. To this end in said civil suits and in criminal suits for defamation, the Alcaldes will also associate with themselves two good men, one appointed by each party, and after hearing the plaintiff and the defendant and the opinion of the two associates, they shall, before a Notary, give the decision that is just, and there shall be no appeal therefrom nor other formality than to enter it with a succinct statement of the facts in a book which shall be kept for verbal hearings, the Alcalde, the good men and the Notary signing.

6. The Alcaldes shall also have cognizance in all judicial proceedings in civil matters, until they become contentious between the parties, in which case they shall forward them to the Judge of the district.

7. They may also take cognizance, at the instance of the party, in those proceedings which, although contentious, are very urgent and do not allow time to apply to the District Judge, such as the order for an inventory, the interposition of a recovery, and others of that nature, forwarding them to the Judge as soon as their purpose is carried out.

8. The Alcaldes, in case of any crime being committed in their towns or of any one being found delinquent, may and should proceed officially, or at the instance of a party, to hold the first preliminary proceedings and to apprehend the criminal, provided any act results therefrom for which under the law they deserve to be punished with corporal punishment, or when they are caught committing it *in frafianti*, but they shall immediately report to the District Judge and send the proceedings to him and place the offenders at his disposition.

9. The Alcaldes of the towns where the District Judges reside should, by way of precaution, take like cognizance of the same cases treated of in the preceding article, reporting without delay to the Judge, that he may continue the proceedings.

10. In all the proceedings that occur in the causes, civil as well as criminal, the District Judges cannot avail themselves of any but the Alcaldes of the respective towns.

11. In regard to the administration, economy and police of the towns, the Alcaldes shall have the jurisdiction and powers which, under the laws, the Alcaldes of Ordinary Jurisdiction have heretofore had, governing themselves always by the provisions of the Constitution.

CHAPTER IV.

THE ADMINISTRATION OF JUSTICE IN THE FIRST INSTANCE UNTIL THE DISTRICTS ARE FORMED.

Article 1. Until the distribution of districts provided for in the second chapter is made and approved, and Learned Judges for the same are appointed by the government, all causes and suits, civil and criminal, shall be heard in the first instance by the Learned Judges of Royal Appointment, the Sub-Delegates beyond the sea, and the Constitutional Alcaldes of the towns.

2. The Learned Judges of Royal Appointment shall restrict themselves to the exercise of contentious jurisdiction in the several towns where they have heretofore had it, and if in any of these said towns they have had it by way of precaution with their Alcaldes, they and the Learned Judges shall continue with precautionary jurisdiction.

3. In the other towns where there is no Learned Judge nor Sub-Delegate beyond the sea, the Constitutional Alcaldes shall exercise contentious jurisdiction in the first instance as the Alcaldes of Ordinary Jurisdiction have exercised it.

4. The Alcaldes of the towns where there is a Learned Judge or Sub-Delegate beyond the sea, and in those where they do not exercise jurisdiction by way of precaution with them, shall not have cognizance in contentious matters, except in the cases referred to in Articles 5 and 6 of the third chapter.

5. The Alcaldes, with absolute prohibition of the Learned

Judges and Sub-Delegates beyond the sea, shall have cognizance in the administration, economy and police of the respective towns.

6. The Constitutional Alcaldes of the towns shall begin immediately to exercise the functions of conciliators in accordance with the provisions of the first four articles of said Chapter 3, and will then admit no complaint, civil or criminal, for defamation without the certificate that an effort at conciliation had been attempted and that the parties did not agree.

CODE OF COLONIZATION, PAGE 261, No. 83.

Decree of November 21st, 1833.

Repealing Article 11 of the law of April 6th, 1830, and authorizing the expenditure of the necessary sums for colonization.

The General Congress has decreed the following:

Article 1. Article 11 of the law of April 6th, 1830, is repealed in all its parts.

Art. 2. The government is authorized to expend the necessary sums in the colonization of the Territories of the Federation and other vacant places where it has power to do so.

Art. 3. It is likewise authorized to adopt, with respect to colonizable lands, such measures as it may consider conducive to the safety, greater advancement and stability of the colonies that shall be established.

Art. 4. The repeal spoken of in Article 1 of this decree shall not take effect until six months after its publication.

Art. 5. In the authority granted by Article 2 is included that of constructing fortifications at those points of the frontiers where the Executive may consider it useful and expedient.

COLONIZATION OF THE LANDS OF COAHUILA AND TEXAS.

GALVAN'S ORDINANCES ON LAND AND WATER, PAGE 133.

Decree of February 4th, 1834.

Article 1. Every free person who is not locally compromised in other parts of the Republic, will be allowed to colonize the lands that are or should be at the disposal of the Supreme Government in the State of Coahuila and Texas.

2. This invitation is made especially to the officers and soldiers who are without employment because of having taken part in the present revolution, to those who have certificates given them by the government, to those expelled from the States and even to those who still remain under arms.

3. To every family that agrees to colonize in said State will be given the tenth part of a *sitio* for cattle.

4. To every person over fifteen years of age the necessary animals and wagons for his transportation, which shall become his own the moment he reaches the *sitio* to be colonized, shall be furnished free of cost.

5. Each of said persons, who is over fifteen years of age, shall be assisted from the day they leave the place of their residence for one full year with fifty cents per day and those less than fifteen with twenty-five cents.

6. No person shall separate himself from the colony before two years, without the consent of the government, and those who do shall lose the lands that have been given them and shall be obliged to pay for every thing they have received from the government.

7. To each family of those that compose the colony shall be given a yoke of oxen and a cow, or their value, two plows

and such carpenter tools and farming implements as the government may consider necessary.

8. Of the lands that may set aside for forming towns, to each family shall be given a lot upon which to build its dwelling.

9. Transportation shall be conducted under the direction of the person or persons the government shall designate.

10. The colonies shall be under the civil officer or officers the government shall designate, and as soon as the lots are distributed they shall install their municipal government.

LAWS OF THE STATE OF SONORA.

Decree of May 30th, 1834.

No. 10. The Constitutional Congress of the State of Sonora decrees the following:

Article 1. The term of six months, counted from the first of June till the thirtieth of November of the present year, is again granted that holders, who now find themselves embarrassed by the expiration of the term heretofore fixed in Decree No. 10, of the 28th of June, 1833, may obtain titles to their property.

2. If, within the term fixed in the preceding article, which shall not be extended, the holders of lands do not appear to make effective the purchase thereof, they shall be denounceable and shall be subject to the penalties that may be provided in the organic law of the Treasury that is about to be decreed.

3. When this decree is published in all the towns of the State, the authorities thereof shall proceed to make and forward to their county seats exactly explanatory lists of the lands in their respective jurisdictions that are without title of property, who the owners are that occupy them and the information that has been given them of this law.

4. The government shall give the necessary orders to the Common Councils at the county seats for the transmittal of the lists provided for in Article 3 of this decree, in order to close the door hereafter to every malicious subterfuge that may prejudice the Treasury in the receipt of its just dues.

The Governor of the State will order that it be printed, published, circulated and observed.

SECULARIZATION OF ALL THE MISSIONS OF THE REPUBLIC.

COMP. LAWS, VOL. II, PAGE 689, No. 1395.

Law of April 16th, 1834.

Article 1. All the Missions of the Republic shall be secularized.

2. The Missions shall be converted into curacies and the Governors of the States where said Missions exist shall define their boundaries.

3. This decree shall have its full effect within four months from the day of its publication.

LAWS OF THE STATE OF SONORA.

Decree of July 11th, 1834.

No. 20. The Congress of the State of Sonora decrees the following:

ORGANIC LAW AND PROVISIONAL REGULATIONS FOR THE TREASURY OF THE STATE OF SONORA.

CHAPTER I.

ONLY SECTION.

Article 1. The supreme management of the Exchequer belongs to the government of the State, in conformity with the provisions of the fifth section of Article 41 of the Constitution.

2. The Exchequer shall be administered by a Treasurer General, Department of Inspection, subordinate Administrations and Receivers, which this law shall designate.

CHAPTER II.

SECTION FIRST.

Art. 3. The Treasury General shall consist of a Treasurer, an Auditor, three officers with the denomination of First, Second and Third, a clerk, a porter-clerk and an Auditor of Moneys.

SECTION SECOND.

Art. 4. The Treasurer General shall be appointed by Congress, shall have a salary of two thousand dollars per annum and, in official matters, his title shall be that of Excellency.

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SECTION THIRD.

DUTIES AND POWERS OF THE TREASURER.

Art. 6. The Treasurer is the chief of all the officers and employees of the Exchequer of the State; it is his duty to watch over the conduct of the latter; and to him belong all the necessary powers for the economic management of the department, in conformity with the laws.

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CHAPTER III.

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SECTION SECOND.

DUTIES OF THE AUDITOR.

Art. 38. The duties of the Auditor are:

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8th. To correctly keep the book of Toma de Razon of every title, commission or order of payment the government shall issue, and to order the First Officer to literally copy their contents with due separation.

9th. To see that the book of entries, manual and common, as well as their copies, are kept with the explanation, cleanliness and neatness required by the delicacy necessary in keeping accounts and to order that no individual, whatever be his character, who pays or receives funds in the Treasury, goes therefrom without signing the proper entry and making the customary receipt.

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CHAPTER IX.

SECTION FIRST.

REVENUES OF THE STATE AND MANNER OF ADMINISTERING THEM.

Art. 53. The revenues and fees established in the State are:

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2. Revenue from the composition and grant of lands.
3. Fees for titles to grants of lands.

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SECTION THIRD.

THE SALE OF LANDS.

Art. 57. The individual who needs land for breeding cattle and horses, or for any other purpose, shall present himself to the Treasurer General and register it in the name of the State, and shall at the same time present the evidence of three impartial witnesses of well-known competency to prove that he has sufficient stock to be called a breeder. This shall be to the satisfaction of the Treasurer, who may order other evidence taken or procure such secret information as appears to him proper, whenever he considers it necessary to establish the truth of the object to which this article refers.

58. To no one who is a new breeder shall more than four *sitios* be given; but to those who need more, from the abundance of their stock, the Treasurer shall grant only what they need, after taking the evidence referred to in the preceding article, assuring himself of the truth of the application by all the means within his reach before making the grant, to which end he shall see that the parties in interest take no part in the proceedings he may institute to attain that object.

59. The Treasurer shall place at the end of the petition of the applicants for lands the necessary delegation for the survey. He may intrust this to the Judges of First Instance, Justices of the Peace, or to individuals who, by virtue of their well-known honesty and ability, are competent to execute it.

60. The Treasurer, as the immediate chief of all the revenues, shall make the sales and issue the titles.

61. Those who hold *sitios*, and, although they have them registered and surveyed, have not obtained the title, shall present themselves to the Treasurer General within the term fixed by law No. 10, of May 30th of the current year.

The *sitios* of owners who do not comply with this provision shall be considered public lands and denounceable, unless they apply for their titles within the time provided in the same, and give in writing a statement of the causes of said failure, the Deputy or Judge who surveyed them and the payment they have made.

62. The Treasurer shall fix for the purpose the time that appears to him convenient and, as soon as he collects all the information, shall forward the *expediente* to the Attorney General, in order that he may, with his opinion, decide what is most proper with regard to the rights of the parties in interest and those of the Treasury.

63. It is the obligation of owners of *sitios* to place at their boundary termini the monuments of stone and mortar ordered by the laws, as soon as possession thereof is given them; and, if within three months from the day they receive the title, in which this term shall be stated, they do not comply, they shall incur a fine of twenty-five dollars, which the local Judge shall collect of them for the common funds and shall, besides, order said monuments constructed at the expense of the parties in interest.

SECTION FOURTH.

FEES OF THE TREASURY.

Art. 64. The price for each dry *sitio* that only serves for pasturing stock shall be fifteen dollars; for those where water can be obtained in wells and which have pasture, timber, etc., forty dollars; and without these circumstances thirty-five dollars; for those that have a spring or river and are arid or broken, sixty dollars, and eighty dollars for those lands that contain irrigable lands and are very fertile.

65. These prices are the minimum for *sitios*, and in no case can they be reduced.

SECTION FIFTH.

FEES OF SURVEYORS.

Art. 66. Surveyors shall receive as fees for the survey of one *sitio*, twenty-five dollars. For that of two for the same party, thirty-seven dollars fifty cents. For that of three id. id., fifty dollars. For that of four in the same terms, sixty-two dollars fifty cents.

67. When the surveyor surveys several *sitios*, but for different individuals, and when they do not exceed one each, he shall charge each applicant twenty-five dollars.

68. The assistants, chainmen, tallyman, recorder and appraisers, shall be paid by the applicant at fifty cents per diem.

69. For the proclamation and proceedings until the *expediente* is in condition for the sale, twenty-five dollars shall be paid. Stamped Paper shall be at the expense of the parties in interest.

SECTION SIXTH.

FEES FOR THE LAST OFFER.

Art. 70. For the three proclamations of the last offer and sale six dollars shall be paid the Public Treasury. For the opinion of the Attorney General, three dollars. For the drum and public crier, two dollars.

71. The cost of the title shall be thirty dollars. Stamped Paper is at the expense of the parties in interest, who shall be charged nothing for the notices and the formal proceedings customary in the last public offers.

SECTION SEVENTH.

GENERAL PROVISIONS FOR THE SALE OF LANDS.

Art. 72. For the appraisement to be made of the *sitios* on the value prescribed by this law, the surveyors shall appoint persons entirely impartial to the parties in interest, and after they are informed of their obligation and after the customary oath, they shall proceed to discharge their mission, and in view of the more or less fertility of the lands, their location and other circumstances, shall give them the value they ought justly to have.

73. Inasmuch as the surveyors have a practical knowledge of the lands they survey, they are responsible that the appraisement be adjusted precisely to the circumstances provided in the preceding article, and the conditions stated in Article 64 of this law.

74. Every person commissioned to survey is under the precise obligation to summon beforehand the owners of coterminous lands to appear with their titles to defend their metes and bounds. For this purpose he shall set a short time within which they shall appear in person or by agent; and if they do not appear on the day set, with sufficient cause therefor, the surveyor shall proceed to carry out his commission to survey, and enter as a minute in the proceedings the reason why one or more of the owners of coterminous lands or parties in interest did not appear. The damage that results shall be against those who did not appear at the summons of the surveyor.

75. The proclamations to be made in solicitation of bidders for lands that are surveyed shall be made by the surveyor in the town to the jurisdiction of which they belong.

76. If for any circumstance the proclamations cannot be made in the place indicated in the preceding article, they may be made in any other town, provided it is not outside of the respective district.

77. When the person commissioned to survey lands cannot do so because of some obstacle the party who applied for them cannot remove, he shall pay said commissioner for his trip going and coming at the rate of four reals per league, and shall reserve his right to proceed against whomsoever it may please him.

78. It is the duty of the Treasurer to give the surveyors full instructions and the formulas for the surveys for the best discharge of their commission; as it is also his duty to expedite the dispatch of registries, denouncements and titles without allowing delays that prejudice the parties.

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196. This law leaves without any force or effect every other prior law that is opposed to it, as also every other practice that is contrary to it, those that do not conflict with it remaining in full force and effect.

GRANT OF MONEY AND LANDS TO EX-EMPEROR ITURBIDE.

COMP. LAWS, VOL. III, PAGE 41, NO. 1547.

Law of April 18th, 1835.

Article 1. The million dollars granted to Agustin Iturbide by the Provincial Council of Government, February 21st, 1822, as a reward for the sublime distinction he obtained by securing the independence of his country, shall be given to his administrator and heirs, in money, whenever and in the manner the circumstances of the Treasury may allow.

2. The twenty square leagues referred to in the same decree, and which he desired in Texas, shall be given to his administrator and heirs in the Territories of New Mexico or Upper and Lower California, if it cannot be done in Texas, in such manner as the government may agree upon with those interested.

NULLIFIES A DECREE OF THE LEGISLATURE OF COAHUILA AND TEXAS.

COMP. LAWS, VOL. III, PAGE 42, NO. 1552.

Law of April 25th, 1835.

Article 1. The decree of the Legislature of Coahuila and Texas of March 14th of the present year is, in its Articles 1 and 2, contrary to the law of August 18th, 1824; consequently, the alienations made by virtue of said decree are null and of no value.

2. In the exercise of the powers the General Government reserved to itself in Article 7 of said law of August 18th, 1824, the border and littoral States are prohibited from alienating their public lands for colonization thereon, until the rules they shall observe in doing so are established.

3. If any of them desire to alienate any part of their public lands, they shall not have power to do so without the approval of the General Government which, in every case, shall be preferred if it sees fit to take them, and shall give the States the proper indemnity.

4. The General Government can, under Articles 3 and 4 of the law of April 6th, 1830, by virtue of its preference right purchase of the State of Coahuila and Texas the four hundred *sitios* it says it is under the necessity of selling.

The decree cited in Article 1 of the preceding law is the following:

SUPREME GOVERNMENT OF THE FREE STATE OF COAHUILA AND TEXAS.

The Governor, *ad interim*, of the State of Coahuila and Texas, exercising the supreme executive power, to all the inhabitants thereof, know ye:

The Constitutional Congress of the free, independent and sovereign State of Coahuila and Texas has seen fit to decree:

Article 1. The government can dispose of as much as four hundred *sitios* of land of the public lands of the State to meet the public emergency in which it is now situated.

2. It shall prepare regulations for the colonization of said lands under the bases and conditions it may deem proper, without regard to the provisions of the law of March 26th of last year.

3. The government shall provide the necessary means for the collection of whatever is due the State, whatever be its nature and origin.

MONCLOVA, March 14th. 1835.

ABOLISHES STATE LEGISLATURES AND ESTABLISHES DEPARTMENTAL COUNCILS.

COMP. LAWS, VOL. III, PAGE 75, NO. 1626.

Law of October 3d, 1835.

Article 1. The Governors who at present hold their offices in the States shall so continue, even when they have completed the terms previously established in their Constitutions, but subject, in their continuance and in the exercise of their functions, to the Supreme Government of the Nation.

2. The Legislatures shall discontinue at once the exercise of their legislative functions; but before dissolving and after calling together those that have adjourned, they shall appoint a Departmental Board, composed for the present of five individuals selected from their own body or out of it, to act as the council of the Governor; in case this office is vacant, they shall propose to the Supreme Government such persons as have the qualifications that have been required heretofore; and until the government makes an appointment, they shall perform the functions of government through the first one of the laymen named.

3. In the States where the Legislatures cannot assemble within eight days, the Common Council of the capital shall act in its stead, solely for the purpose of electing the five members of the Departmental Council.

4. All the Judges and tribunals of the States, and the administration of justice, shall continue as heretofore until the law organizing this branch of the service is issued. The responsibility of the officials, which can be questioned only by the Congresses, shall be inquired into and determined by the Supreme Court of Justice of the Nation.

5. All the subordinate employees of the States also shall continue for the present, but the places now vacant or that shall become vacant shall not be filled; and they as well as the offices, revenues and branches of the service they manage are subject to and at the disposal of the Supreme Government of the Nation, through the proper Governor.

And that the hereinbefore inserted law may be fully and exactly complied with, in relation to the administration of the revenues of said States, his Excellency, the President, *ad interim*, has directed that the following regulations be observed:

Article 1. As soon as the present regulations are received in every place where there are offices of revenues belonging to the States, the Chiefs thereof shall prepare a cash account giving the branches of the service to which the receipts and disbursements belong, and showing the funds then on hand, which statements shall be signed by those responsible and examined by the Commissaries General or Sub-Commissaries, where there is one, and in the absence thereof by the first civil authority of the place.

2. Said revenue offices shall also prepare, with the proper examination, a statement in which shall appear in detail the effects on hand belonging to the same, such as are tobacco, stamped paper and any others, stating the weight, number and size of the articles according to their class. They shall likewise prepare a separate inventory of the furniture and the belongings of the offices without excepting any; and another statement of the buildings the offices occupy, stating whether they belong to the State or are taken on lease, in which case the monthly rent paid shall be stated.

3. Said offices shall also prepare a statement of the revenues they administer, of the debts they may have against themselves and their origin, and of the collections that may be pending, with a statement of the terms in which they are to be collected, or whether these have already expired, giving the reason why they have not been collected. In regard

to the matter of excises it shall be stated whether there are any individuals or towns that have entered into agreements in relation thereto (*igualados*), for what amounts and time and on what articles. The other offices of the States that administer revenues shall also prepare a nominal statement of the payments assigned to them, whether by the laws or by other orders, aggregating certified copies of whichever it may be and stating the condition said payments are now in.

4. All the statements referred to in the foregoing articles shall be prepared in triplicate and forwarded to the Governor, for him to transmit them to the Supreme Government through the Department of the Treasury which, retaining one copy, shall forward the other two to the Directory and Treasury General.

5. The Governors shall order made an exact and detailed statement of each one of the revenues or branches of the service that constitute the exchequer of the State under their command, whether they arise from Territorial property, rural or urban, or from monopolies or from direct or indirect taxes, the proceeds from which enter into their respective treasuries, together with copies of the laws, decrees or orders that created, organized or regulated said revenues.

6. Said Governors shall cause to be made a statement giving the number of general and special revenue offices in the demarcation under their command, the functions of each office, the number of employees therein, the salaries they receive, the date and class of their several appointments, whether proprietary, *ad interim*, or provisional, the vacancies there may be in each office, and in regard to the employees who should give bond for their administration it shall be stated whether their bonds are executed and the sufficiency of their bondsmen.

7. The Governors shall forward to the Secretary of the Department of the Treasury, in triplicate, all the statements required by Articles 5 and 6, as soon as they are prepared, which shall be done in preference to every thing else; they shall

also be careful to send to said department those they receive from outside subordinate offices; shall make therein the necessary explanations, and said Governors shall see that said statements are forwarded with the greatest promptness and punctuality.

8. Upon the receipt of the present regulations in every revenue office of the States, a statement of the accounts thereof shall be made and a minute so stating entered in their books of receipts and disbursements, which shall be signed by the person or persons responsible therefor and by the Commissary General or Sub-Commissary; and in the absence of both by the First Civil Authority of the place. Of the minute that may be made copies in triplicate certified to in like manner shall be forwarded to the Governor, which copies said Governor shall act upon as provided in the foregoing articles.

9. The Commissaries General, Sub-Commissaries or the civil authorities of the places in their case, as soon as they have certified to the minute referred to in the preceding article, shall rubricate the following folios of the books and shall number them, if not already done, in order that the new account to be kept may be opened in the same, putting as a first entry the funds then on hand, until the Supreme Government, with a knowledge of the books needed and in conformity with the orders that may be made in the matter, can order the transmittal of other new ones with the corresponding formalities.

10. In every thing relating to the Department of the Treasury, the Governors and the respective officers shall proceed in accordance with the laws, regulations and orders of each State, in so far as may be compatible with the new organization of said revenues and until the General Congress adopts suitable measures for the future.

11. The first days of each month there shall be prepared in all of said offices a cash account giving the receipts and expenses of each branch of the service and the amount of general funds then on hand, preparing also a statement of effects on

hand in the form and with the examination provided in Article 2 of these regulations and forward said statements in triplicate to the Governors, to be forwarded by them to the Department of the Treasury.

12. Said Governors, in matters relating to the revenues, shall communicate directly with the Supreme Government through the Secretary of the Treasury, to whom they shall forward all documents and statements and consult when they consider necessary, being careful to cite the laws, orders and proceedings (*expedientes*) there may be on the matter.

13. Until the attributes of the government and Departmental Boards, in what relates to the Treasury, are declared by law, said Governors shall make no sales of lands (*fincas*) or property (*bienes*), nor contracts nor extraordinary expenses for said department, without the previous approval of the Supreme Government.

14. The Governors, with a knowledge of the amount of revenues under their supervision and of the expenses by which they are affected, shall inform the Supreme Government as soon as possible of the amounts that may be computed monthly as balances for the general expenses, or those that possibly are lacking to meet them; to this end they shall obtain the necessary instructions of the Commissaries General, and said Governors shall order that the net proceeds that result after paying the specific expenses of the administration of the revenues and such other lawful expenses as are provided for, be paid into the respective commissariats or sub-commissariats at the end of each month or before, if necessary, entering into an agreement to this end with the chiefs of said Commissariats General, and notifying the Supreme Government of each payment that shall be made, which shall be vouched for by the corresponding certificate.

15. The Supreme General Government, through the Secretary of the Department of the Treasury, shall act on the documents, consultations and reports which it may receive from the

Governors, and shall remit the first to the General Department of Revenues or to the General Treasury, according to the class to which they belong, for the proper uses, and in regard to the second shall hear said offices, according to their special attributes, for the instruction and determination of said matters.

16. The General Department of Revenues and the General Treasury, through the Ministry of the Treasury, shall communicate to the Supreme Government the opinions that result from the examination of the documents they receive, and shall make such examinations and rulings as are necessary, that the Supreme Government may make the proper orders and communicate them to the Governors.

BASES FOR THE NEW CONSTITUTION.

COMP. LAWS, VOL. III, PAGE 89, No. 1637.

Law of October 23d, 1835.

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8. The national territory shall be divided into Departments on the basis of population, locality and other contributing circumstances. Their number, extent and subdivison shall be given in detail in a constitutional law.

9. For the government of the Departments there shall be Governors and Departmental Boards; the latter shall be elected by popular vote in the manner and number the law shall provide, and the former shall be appointed periodically by the Supreme Executive Power, upon nomination by said Boards.

10. The Executive Power of the Departments shall reside in the Governors in subordination to the Supreme Executive of the Nation. The Departmental Board shall be the Council of the Governor; they shall be charged with determining and promoting whatever conduces to the welfare and prosperity of the Departments, and shall have the economic municipal, electoral and legislative powers the special law for their organization shall provide, being in the matter of the exercise of the latter class subordinate and responsible to the General Congress of the Nation.

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14. A law shall systematize the Public Exchequer in all its branches; shall establish the method of accounts; shall organize the tribunal for the revision of accounts and regulate the economic and contentious jurisdiction in this department.

CIRCULAR OF TREASURY DEPARTMENT CALLING ATTENTION TO THE TREASURY REGULATIONS OF JULY 20TH, 1831.

COMP. LAWS, VOL. III, PAGE 162, No. 1735.

May 16th, 1836.

On this date I communicate to the Commissaries General of the Departments the following:

His Excellency, the President *ad interim*, has been pleased to direct that I remind your Excellency of the punctual compliance with Articles 126 to 134 of the Regulations of the Treasury and Commissaries General issued July 20th, 1831, which prescribe the method of purchasing, selling and contracting for the effects and properties of the Exechequer, or what it may need, which, by order of his Excellency, I communicate to your Excellency for the purpose indicated and that you may communicate it to the Sub-Commissaries of your district.

CONSTITUTIONAL LAWS.

Comp. Laws, Vol. III, Page 280, No. 1806.

Decree of December 29th, 1836.

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Fourth.

ORGANIZATION OF THE SUPREME EXECUTIVE POWER.

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17. The powers of the President of the Republic are:

I. To issue, under the several general laws, all the decrees and orders necessary for the best administration of public affairs, observance of the Constitution and laws, and, together with the Council, regulations for compliance therewith.

II. To initiate all laws and decrees he may deem necessary, together with the Council, for the good government of the Nation.

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XI. To appoint the Governors of the Departments from the three nominated by the Departmental Boards and together with the Council.

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XX. To direct diplomatic negotiations and make treaties of peace, amity, alliance, armistice, armed neutrality, subject to the approval of Congress prior to their ratification.

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Sixth.

DIVISION OF THE TERRITORY OF THE REPUBLIC AND INTERIOR GOVERNMENT OF ITS TOWNS.

Art. 1. The Republic shall be divided into Departments in conformity with the eighth of the organic bases. The Departments shall be divided into districts and these into precincts.

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4. The interior government of the Departments shall be entrusted to the Governors in subordination to the General Government.

5. The Governors shall be appointed by the latter from three persons nominated by the Departmental Board, without obligation to consider said nomination in the case of the frontier Departments and with power to return the same once in the others. The Governors shall hold office eight years and may be re-elected.

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POWERS OF GOVERNORS.

Art. 7. The duties of the Governors are:

I. To attend to the preservation of public order in the interior of the Department.

II. To employ the armed force which the laws may give to them for that purpose.

III. To comply with and to cause to be complied with, the decrees and orders of the General Government and the enactments of the Departmental Council (Junta), after the approval of Congress, in those cases in which they may require it, under this law.

IV. To transmit to the General Government, with his report, all the enactments of the Departmental Council (Junta).

V. To appoint the Prefects, to approve the appointment of the Sub-Prefects of the Department, to confirm that of the Justices of the Peace, and to remove any of these officials after first having heard the opinion of the Departmental Council (Junta) in relation to the removal.

VI. To appoint the employees of the Department whose appointment is not reserved to some other authority.

VII. To suspend the employees of the Department for as long as three months, and even to deprive them of the half of their salaries for the same time.

VIII. To suspend the Common Councils of the Department with the consent of the Departmental Council (Junta). In case they should exercise either of the two foregoing powers, they shall immediately report to the general government, in order that it, in accordance with its powers, may determine that which it may deem proper with respect to the suspension.

IX. To decide the doubts that may arise in the elections of Common Councils, and to accept or not, the resignations of the members thereof.

X. To exercise, in conjunction with the Departmental Council (Junta), with a deciding vote in case of a tie, the exclusive authority spoken of in Article 12, Paragraph 17, and in Article 22, Paragraph 8, of the fifth constitutional law.

XI. To urge the tribunals and judges to the most prompt and faithful administration of justice, and to bring to the knowledge of the respective superior authorities, the omissions of the inferior ones.

XII. To watch over the officers of the Exchequer of the Department in the manner the law shall provide.

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Note.—In each Department there shall be a Council (Junta), which shall be called Departmental, composed of seven members.

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14. It is the duty of the Departmental Councils (Juntas):

I. To propose laws relating to imposts, public education, industry, commerce, municipal administration, and constitutional changes, in conformity with Article 26, of the third constitutional law.

II. To make the reports treated of in Article 28 of the same law.

III. To establish schools for primary education in all the towns of their Department, giving them a sufficient endowment from the municipal revenue funds, where there are such, and levying moderate taxes where there are none.

IV. To provide for the opening and improvement of the interior roads of the Department, and establishing moderate tolls to cover their cost.

V. To enact all suitable provisions for the preservation and improvement of institutions of learning and public charity, and those that may be dedicated to the promotion of agriculture, industry and commerce; but if these provisions should in any manner prove burdensome to the towns of the Department, they shall not be put into execution without being previously approved by Congress.

VI. To promote, through the medium of the Governor, everything that may contribute to the prosperity of the Department in all its branches; and to the well-being of its towns.

VII. To formulate, with the Governor, the municipal ordinances of the Common Councils and the regulations for the interior police of the Department. These ordinances, the provisions enacted in conformity with the third and fourth faculties, and those which according to the fifth do not need previous approval, may be immediately put into practice, but subject to that which Congress may afterward resolve.

VIII. To examine and approve the accounts that must be rendered of the collection and inversion of the municipal revenues.

IX. To advise the government on all matters on which it may require it of them.

X. To call upon the Supreme Conservative Power to proclaim when the President of the Republic is in a situation that demands a change in the entire ministry for the good of the nation.

XI. To make the elections of the President of the Republic, members of the Supreme Conservative Power, Senators and members of the Supreme Court of Justice and Court Martial, as is provided in the respective constitutional laws.

XII. To propose to the general government the names of three persons for the appointment of Governor.

XIII. To exercise, in conjunction with the latter, the exclusive authority spoken of in Articles 12 and 22 of the fifth constitutional law, in the appointment of Magistrates and Judges.

XIV. To formulate and annually direct to the general government the statistical statement of their Department, with the observations they believe calculated for the good and progress of the Department.

15. Restrictions on the Governors and Departmental Councils (Juntas):

I. They shall not levy taxes either under the name of excise taxes or any other, except in the terms prescribed in this law, nor apply them to other purposes than those designated by the same.

II. They cannot take any measure toward the raising of an armed force, except in the case in which they are expressly authorized by the laws for that purpose, or in that case in which they may be ordered so to do by the general government.

III. They can not exercise other powers than those which this law designates for them, the violation of this part of the article and the two preceding ones being a matter involving the strictest responsibility.

IV. The members of the Departmental Councils (Juntas) can not resign their offices except for legal cause, approved by the Council (Junta) itself, with the concurrence of the Governor.

DIVISION OF THE TERRITORY OF MEXICO INTO DEPARTMENTS.

COMP. LAWS, VOL. III, PAGE 258, NO. 1807.

Law of December 30th, 1836.

Art. 1. The Territory of Mexico is divided into as many Departments as there were States, with the following modifications:

2. That which was the State of Coahuila and Texas is divided into two Departments, each with its own territory. New Mexico shall be a Department. Upper and Lower California shall be a Department. Aguas Calientes shall be a Department with the territory it now has. The Territory of Colima is annexed to the Department of Michoacan. The Territory of Tlaxcala is annexed to the Department of Mexico. The capital of the Department of Mexico is the city of that name.

3. The Government and Departmental Board of Coahuila shall exercise their powers only in the Department of that name.

4. When order is re-established in the Department of Texas, the government shall dictate the necessary measures for the organization of its authorities, and shall fix the capital in the place it considers most suitable.

5. In the Department of the Californias, the government shall provisionally designate the capital and the authorities that are to act until the elections under the Constitution are held.

6. The Departmental Boards shall provisionally divide their several Departments into districts, these into precincts, and shall appoint Prefects, Sub-Prefects, Common Councils and Justices of the Peace, as provided by the Constitutional Law.

7. The Courts of First Instance shall act ***ad interim*** in conformity with the provisions of Article 27, of the Fifth Constitutional Law.

ESTABLISHES A NATIONAL BANK FOR THE REDEMPTION OF COPPER COIN.

COMP. LAWS, VOL. III, PAGE 260, NO. 1811.

Law of January 17th, 1837.

(Discontinued December 6th, 1841.)

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2. The government, without loss of time, shall establish and provide regulations for a National Bank, with the principal object of redeeming copper coin, the management of which shall be entrusted to persons elected by the different classes of society, in the manner said regulations shall provide, and who shall not be dependent on the government, other than to render thereto an annual report of their administration.

3. There are adjudicated to the Bank for a redemption fund:

First. All the real property of the Nation that exists in all the territory of the Republic.

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COMP. LAWS, VOL. III, PAGE 323, No. 1839.

Law of March 20th, 1837.

Provisional Regulations for the Interior Government of the Departments.

THE INTERIOR GOVERNMENT OF THE DEPARTMENTS.

Article 1.—The Interior Government of the Departments shall be in charge of the Governors, Departmental Councils (Juntas), Prefects, Sub-Prefects, Common Councils, Alcaldes, and Justices of the Peace.

THE GOVERNORS.

2. In each Department there shall be a Governor, appointed by the President of the Republic, upon the nomination of three persons by the respective Departmental Council (Junta), without the obligation of being governed thereby in the frontier Departments and with the right to return it once in the others.

3. The period of his incumbency and the qualifications for election are those which are enumerated in the Sixth Constitutional law.

It is the duty of the Governors:

I To attend to the preservation of public order in the interior of the Department.

II. To use the armed force which the law may give to them for that purpose, and in the absence or insufficiency thereof to apply for the force needed to the military commandant, who cannot refuse it.

III. To publish without delay, to comply with and to cause to be complied with, the laws and decrees of Congress and to opportunely circulate them in the towns of the Department.

IV. To also comply with, and cause to be complied with, the decrees and orders of the general government and the enactments of the Departmental Council (Junta), after the approval of Congress, in those cases in which they may require it, in accordance with the Sixth Constitutional Law.

V. To transmit to the general government, with his report, all the enactments of the Departmental Council (Junta).

VI. To appoint the Prefects, to approve the appointment of the Sub-Prefects of the Department, to confirm that of the Justices of the Peace, and to remove any of these officials, after having first heard the opinion of the Departmental Council (Junta) in relation to the removal.

VII. To appoint also the employees of the Department whose appointment is not reserved to some other authority.

VIII. To suspend the employees of the Department for as long as three months, and even to deprive them of the half of their salary for the same time.

IX. To suspend the Common Councils of the Department, with the concurrence of the Departmental Council (Junta).

X. In case they should exercise either of the two foregoing powers, they shall immediately report to the general government, in order that it, in accordance with its powers, may determine that which it may deem proper with respect to the suspension.

XI. To grant license, for good reason, to the government employees to leave their positions for as long as two months in each year. If it should be for a longer time, it is necessary that the Governor act with the concurrence of the Departmental Council (Junta).

XII. To decide administratively and without further appeal the doubts that may arise in the elections of Common Councils and to accept or not the resignations of the members thereof.

XIII. To exercise in conjunction with the Departmental Council (Junta), with a deciding vote in case of a tie, the exclusive authority referred to in Article 12, Paragraph 17, and in Article 22, Paragraph 8, of the Fifth Constitutional Law.

XIV. To urge the tribunals and Judges to the most faithful and prompt administration of justice, bringing to the knowledge of the respective superior authorities the omissions of the inferior ones.

XV. To watch over the offices of the Exchequer of the Department, in the manner which the law shall provide.

XVI. To take care of the public health of the Department, taking, with the concurrence of the Council (Junta), timely measures for its preservation; in case of an epidemic, they shall immediately report to the general government, in order that it may report to Congress and the necessary means be furnished.

XVII. To see that the recruiting for the army be done in accordance with existing laws, and to dictate, in concurrence with the Council (Junta), all measures he may deem proper, that every trouble and disorder may be avoided in the execution thereof.

XVIII. To take particular care that in all the towns of the Department there shall not be lacking schools for primary instruction, and that the male and female teachers shall be not only of sound morals and good behavior, but also competent, taking into consideration the circumstances of the place.

4. They shall have power to impose, ministerially and without appeal, fines of as much as two hundred dollars, which shall be paid into the fund from municipal property and taxes of the place to which the party fined belongs, as much as one month on public works or twice that time in arrest, on the inhabitants of the Department that disobey or fail to respect them, or in any manner disturb the public tranquility, being governed by the circumstances of the individuals and hearing them summarily and verbally in case they ask it. But with regard to the offenses for which the penalty is fixed by law, the enactments in force shall be observed.

5. They shall hear the complaints against the officials of the Departmental Government, and may administratively and

without further appeal impose upon them a fine of as much as fifty dollars, which shall be applied to the said fund from municipal property and taxes, for offenses within the jurisdiction of the government; but they shall also hear them summarily and verbally in case they ask it.

6. They may send vagrants, idle persons without a known occupation, for the time necessary for their correction, to the institutions devoted to that purpose, or to the work-houses or plantations in which they may be received voluntarily, it being left to the choice of the prisoner to choose between the work-house and the field.

7. Whenever public tranquility requires it, they may issue a written order for the search of designated houses, and for the arrest of any person; they shall order without this requirement the apprehension of the offender *inflagrante*, in both cases, within three days, placing the parties arrested at the disposition of the proper Judge, to whom they shall state in writing the reasons for the arrest.

8. After report by the Prefects, and after having heard the decisions of the Departmental Council (Junta), they may grant leave to the Common Councils or officials charged with the management and inversion of municipal funds, to make extraordinary expenditures in matters of necessity and public benefit.

9. In cases of necessity, or for reasons of public convenience, they may grant leave to said authorities, after having first obtained the consent of the Departmental Council (Junta), to alienate some of the municipal property, and any cession, donation or contract made without this requisite shall be null and of no value.

10. They shall issue the proper commission to the employees whom they may appoint in accordance with law.

11. They shall use their full signature in the publication of the laws and decrees, in the municipal ordinances of the Common Councils, in the regulations for the interior police of the De-

partment, in the commissions they may issue, in the correspondence with the high powers of the Nation, with the Departmental Councils (Juntas), Supreme Tribunals, Governors of the Departments, the Most Reverend Archbishop, the Reverend Bishops, Ecclesiastical Corporations, Provisors and Commandants General. In other business it will be sufficient that they use the surname.

12. At public meetings they shall preside over all the officials of the Department.

13. They shall also preside over the Departmental Councils (Juntas), whenever they attend their sessions; but they shall have no vote, except in case of a tie, and in those matters in which the constitution gives it to them or in which the laws may hereafter give it to them.

14. If for any reason they should be in any town of the Department they shall have the right to preside, without vote, over the sessions of the Common Council.

15. They shall freely appoint and remove the Secretary of the Departmental Government; but neither for this office nor for that of Prefect can they select any public employee, without the previous consent of the official that appointed him.

16. Their ordinary residence shall be at the capital of the Department, and in order to move therefrom, they must have the permission of the President of the Republic, or if their absence should be for a few days and the reason for it is very grave and urgent, so that they cannot apply to the general government, that of the Departmental Council (Junta).

17. They shall be the usual channel of communication between the supreme powers of the nation and the Departmental Councils (Juntas), and between the latter and the officials of the Department.

18. The Governors, as well as the Acting Governors, shall have the title of Excellency in all official matters.

19. The government, after consulting the respective Departmental Council (Junta), and in concurrence with its Council

(Consejo), shall propose to Congress the salary of each one of the Governors, taking into consideration the particular circumstances of the Departments, but said salary shall not exceed five thousand dollars per annum.

20. In the temporary absences of the Governor an Acting Governor shall be appointed in the same manner as the Governor, and who shall have the same qualifications as the latter. If the absence should be of short duration, the senior secular member among the members of the Departmental Council (Junta) shall assume charge of the government, the same as in the interval that may intervene from the departure of the Governor until the appointment of the Acting Governor.

21. The Governors, upon assuming their office, shall take the oath before the presiding officer of the Departmental Council (Junta) and in the presence of that body, to observe, and to cause to be observed, the constitutional laws, and to faithfully fulfill the obligations of their office, being responsible for the violations of which they may be guilty, or which they do not prevent.

THE DEPARTMENTAL COUNCILS.

39. In each Department there shall be a Council (Junta), which shall be called Departmental, composed of seven members.

40. These shall be elected by the same electors who are to appoint the deputies to Congress, the election taking place without fail the day after that of the deputies.

41. There shall also be elected seven alternates in the same manner as the regular members, and who shall take the place of the latter, in the order of their appointment, in case of death or legal impediment approved by the Council (Junta), with the concurrence of the Governor.

42. The Departmental Councils (Juntas) shall be entirely renewed every four years, beginning to exercise their functions the first day of January following the election.

43. The elections of the Councils (Juntas) shall be approved by the retiring Council (Junta), with the concurrence of the Governor, and subject to what may be afterward provided by the Senate, to which a report shall be made immediately, without prejudice to the possession.

44. In order to be a member of the Departmental Council (Junta) the same qualifications are required as for being a deputy.

45. It is the duty of the Departmental Councils (Juntas):

I. To propose the laws relating to imposts, public education, industry, commerce, municipal administration and constitutional changes, in conformity with Article 26 of the Third Constitutional Law.

II. To make the reports referred to in Article 28 of the same law.

III. To establish schools for primary education in all the towns of their Department, and to give them sufficient endowment from the municipal revenue funds, where there are such and to levy moderate taxes where there are none.

IV. To provide for the opening and improvement of the interior roads of the Department, and to establish moderate tolls to cover their cost.

V. To enact all suitable provisions for the preservation and improvement of institutions of learning and public charity, and those that may be dedicated to the promotion of agriculture, industry and commerce; but if these provisions should in any manner prove burdensome to the towns of the Department, they shall not be put into execution without being previously approved by Congress.

VI. To promote, through the medium of the Governor, everything that may contribute to the prosperity of the Department in all its branches, and to the well-being of its towns.

VII. To formulate, with the Governor, the municipal ordinances of the common councils and the regulations for the interior police of the Department. These ordinances, the provisions enacted in conformity with the third and fourth faculties, and those which according to the fifth, do not need previous approval, may be put into practice immediately, but subject to that which Congress may afterward resolve.

VIII. To examine and approve the accounts that must be rendered of the collection and inversion of the municipal revenues.

IX. To advise the Governor on all matters on which he may require it of them.

X. To call upon the supreme conservative power to proclaim when the President of the Republic is in a situation that demands a change in the entire ministry, for the good of the nation.

XI. To conduct the elections of the President of the Republic, members of the supreme executive power, senators and members of the Supreme Court of Justice and Court Martial, as is provided in the respective constitutional laws.

XII. To propose to the general government the names of three persons for the appointment of Governor, and to do so the first time, eight days after the publication of this law, at the capital of the Department.

XIII. To exercise, in conjunction with the Governor, the exclusive authority referred to in Articles 12 and 22 of the Fifth Constitutional Law, in the appointment of magistrates and justices.

XIV. To formulate and annually direct to the general government, the statistical statement of their Department, with the observations which they believe calculated for the good and progress of the Department.

XVI. To inform the Governor and also the President of the Republic of the abuses which they may notice in the management of the public revenues, without interfering with the functions of the respective employees under the pretext of performing this duty.

46. Each Council (Junta) will make rules for its own interior government.

47. The attendance of at least four members of the Council (Junta) is necessary to form a quorum.

48. The communications of the Council (Junta) shall be signed by the senior member of those present, and by the Secretary.

49. Each one of the members of the Councils (Juntas) shall be responsible for the decision of the same, that they may give to the Governor against an express law, particularly if it is constitutional, or for bribery or subornation.

50. The Councils (Juntas) shall have the title of ***excellency;*** their members that of ***honorable*** in all official matters, and they shall be paid one thousand five hundred dollars per annum.

51. Each one of the members of the Councils (Juntas) shall take an oath before the Governor, and if the Council (Junta) is installed, in the presence of that body itself, to observe and to cause to be observed the constitutional laws, and to faithfully fulfill the obligations of his office, being responsible for the violations of which they may be guilty, or which they do not prevent.

52. Each Council shall have a secretary's office composed of a secretary and two subalterns, appointed by the corporation itself by an absolute majority of votes.

53. Each one of the Councils (Juntas) shall propose to the President of the Republic the compensation which, in its opinion, should be received by the employees in the office of its Secretary, but that of the Secretary shall not exceed one thousand two hundred dollars per annum.

54. The President shall hear the Councils (Juntas) upon the subject, and with its report he shall transmit the proceedings to Congress for its decision, and until that body decides the matter, he shall proceed in conformity with the provisions of Article 36 of this law.

55. The persons that may be employed in these positions shall necessarily be from among those who can receive salary or pension from the public Treasury, provided there is the necessary aptitude in them.

56. The Secretary shall be the chief official of the office, he shall formulate the regulations for its interior management, which he shall submit to the examination and approval of the Council (Junta), and he shall be responsible for the absence of proceedings, laws, decrees, orders and other papers that ought to be in the Secretary's office.

57. In order to be Secretary, it is necessary to be a Mexican citizen in the exercise of his rights, and twenty-five years of age.

58. The Secretary on entering upon the discharge of his duties, shall take an oath, before the presiding officer of the Departmental Council (Junta), and in the presence of that body, to observe and to cause to be observed, the constitutional laws, and to faithfully fulfill the duties of his office, being responsible for the violations of which he may be guilty, or which he does not prevent.

59. Restrictions on the Governors and Departmental Councils (Juntas):

I. They shall not levy taxes either under the name of excise taxes or any other, except in the terms prescribed in the Sixth Constitutional Law, nor apply them to other purposes than those designated by the same.

II. They cannot take any measure toward the raising of an armed force, except in the case in which they are expressly authorized by the laws for that purpose, or in that case in which they may be ordered so to do by the general government.

III. They cannot exercise other powers than those which the said law designates for them, the violation of this part of the article and the two preceding ones being a matter involving the strictest responsibility.

60. The members of the Departmental Councils (Juntas) cannot resign their offices, except for legal cause, approved by the Council (Junta) itself, with the concurrence of the Governor.

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PREFECTS.

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77. They shall regulate administratively and in conformity with the laws, the distribution of the common lands (tierras comunes) in the towns of the district, provided there is no litigation pending with regard to them, the right being reserved to the parties in interest to apply to the Governor, who, without further appeal, shall decide what is most proper, with the concurrence of the Departmental Council (Junta).

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191. The laws that organized the economic, civil government of the Departments are repealed.

COLONIZATION OF THE LANDS OF THE REPUBLIC. REPEALS ALL FORMER LAWS ON COLONIZATION.

COMP. LAWS, VOL. III, PAGE 352, NO. 1847.

Law of April 4th, 1837.

The Government, in concurrence with the Council, shall proceed to make effective, the colonization of the lands that are, or should be the property of the Republic, by sales, leases or mortgages, and shall apply the proceeds, (which in the first case shall not be less than $1.25 per acre), to the payment of the national debt, already contracted or which shall hereafter be contracted, always reserving enough to meet its obligations to the soldiers who took part in the War of Independence, and for the remuneration and gifts Congress may grant to Indian tribes and nations, and those who assisted in the restoration of Texas, and it shall not be compromised by the laws heretofore enacted on colonization, which enactments, are all repealed in so far as they conflict with this law, but the prohibition of Article 11, of the Law of April 6th, 1830, shall remain in force.

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CREATING A NATIONAL CONSOLIDATED FUND.

COMP. LAWS, VOL. III, PAGE 359, No. 1852.

Decree of April 12th, 1837.

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Art. 7. For greater security in the payment of the capital and interest of the consolidated fund, the Government of Mexico specially mortgages, in the name of the Nation, one hundred million acres of public lands in the Departments of the Californias, Chihuahua, New Mexico, Sonora, and Texas, as a special guarantee of said fund, until the total extinction of the credits; but if any sale of these mortgaged lands should be made, it shall be, at least, at the rate of said four acres to the pound sterling, and the proceeds thereof shall be paid by the purchaser to the agents of the government in London, from whom only, he can receive the corresponding warrant, and the latter shall employ the proceeds of the sale to pay the bonds of the new consolidated fund, which shall also be received in payment of said lands, at the current price of said bonds in the market.

REVENUES AND REVENUE OFFICERS OF THE GOVERNMENT.

CREATES SUPERIOR CHIEFS OF THE TREASURY.

COMP. LAWS, VOL. III, PAGE 363, NO. 1855.

Decree of April 17th, 1837.

Article 1. Until the General Congress establishes the revenues that are to form the National Exchequer of Mexico, the revenues, taxes, and property of which the Supreme Government is in possession, and the revenues, taxes and property, which the Departments established or acquired under the federal system and which existed at the time of the publication of the decree of October 3rd, 1835, shall continue.

2. The revenues, taxes, and property which, by the law of the 17th of last January, were assigned to the National Bank, are excepted from the provisions of the last article, until it fulfills its object.

3. The management, administration and distribution of national funds, shall be made in the Departments, after the publication of this decree, under the responsibility of the officers therein designated; consequently, the effects of the decree of January 9th, 1836, cease wherein they prohibited changing the manner of collecting and keeping account of the revenues of the Departments.

4. Superior Chiefs of the Treasury shall be located in each Department with the powers designated in this decree. All the employees of the Treasury in their respective districts, in the instances and manner which shall be designated, shall be subordinate to them.

5. The administration and management of the public funds are divided into offices for collection and offices for disburse-

ment; the first shall collect the duties that form the Exchequer and shall be charged with the safe keeping, increase and collection of whatever said duties produce; the second shall be entrusted with the inversion of the national funds in the different purposes of public administration; the former shall be denominated Administrations of Revenues and the latter Departmental Treasuries.

6. The Administrations of Revenues shall be divided into principal and subordinate.

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DEPARTMENTAL TREASURIES.

34. There shall be Departmental Treasuries in all the Departmental capitals.

35. These offices shall depend immediately on the Superior Chief of the Treasury.

36. The net proceeds of the revenues, taxes and property in their respective departments shall enter therein physically and virtually, in conformity with the laws.

37. It is the duty of the Departmental Treasurers:

To muster the troops that may be in the capital, to issue to them their vouchers, to make abstracts of the muster and estimates and to discharge, in the Department of War, the powers given to the Commissaries General and Auditors of the Treasury by the regulations of July 20th, 1831, which, for the present, remain in force in all that is not opposed to this decree and subsequent laws.

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73. All the purchases and sales that are offered on account of the Treasury and exceed five hundred dollars, shall be made necessarily by the Board of Sales, which, in the capital of each Department, shall be composed of the Superior Chief of the Treasury, the Departmental Treasurer, the First Alcalde, the Attorney General of the Treasury, and the Auditor of the Treasury, who shall act as Secretary. Its minutes shall be

spread on a book which shall be kept for the purpose, and shall be signed by all the members of the Board, and a copy thereof shall be transmitted to the Superior Chief of the Treasury, for such purposes as may be necessary and to enable him to make a report to the Supreme Government.

74. The Superior Chiefs shall hold meetings of the Boards of the Treasury at least twice a month, and when they consider it necessary, according to the difficulty and importance of the business. These Boards shall be composed of said Chief, the Departmental Treasurer, the Attorney General of the Treasury, the principal Collector of the Revenues and the Auditor of the Treasury, who shall act as Secretary thereof.

75. The object of the Board of the Treasury shall be to procure the prosperity and increase of the revenues of the Treasury, the most easy and prompt collection thereof, to promote the economies that should be made, to expedite such grave matters of difficult solution as the Superior Chief may bring to its knowledge and to make a report to the latter of bad management, improper conduct, failure to comply with their duties and other omisssions of which they may have knowledge, of may have observed in the employees of the Treasury of the Department.

76. The minutes of the Board shall be spread on the proper book, which shall be signed by all the members thereof, and an authenticated copy transmitted to the Superior Chief of the Treasury to enable him to make a report to the Supreme Government, when the case requires it.

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92. The powers that by various laws are given to the Commissaries General and Sub-Commissaries, shall be exercised in future by the Superior Chiefs of the Treasury, and their subordinates, in so far as they do not conflict with this decree, for in that respect all existing laws stand repealed.

CONVENTION BETWEEN ENGLISH HOLDERS OF MEXICAN BONDS AND THE MEXICAN GOVERNMENT.

Comp. Laws, Vol. III, Page 628, No. 2056.

September 15th, 1837.

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2. The holders of the bonds of the foreign debt, issued to cover the two loans made in London at five and six per cent interest, and now in circulation, shall have the right to convert said bonds and their coupons when due and not paid into the bonds of the new consolidated fund, under the following conditions:

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4th. For bonds presented for conversion, shall be given in payment, half the amount in the consolidated fund at five per cent interest, and the other half in deferred bonds, that shall commence to bear interest, October 1st, 1847, at the rate of five per cent per annum, and said deferred bonds shall be received, at any time, in payment of the lands that may be found unoccupied in the Departments of Texas, Chihuahua, New Mexico, Sonora, and the Californias, at the option of the purchaser and at the rate of four acres to the pound sterling, and when the deferred bonds are applied to the purchase of lands, interest shall be added at the rate of five per cent per annum, from the 1st of October, 1837, until the day the holders are put in possession of their lands, and in this way, the interest accrued, shall be credited, and the amount of land so acquired shall be increased, but under the condition that possession shall be taken in the manner provided in Article 5 (6) of this convention.

3. The interest of the consolidated National fund shall be payable in London, semiannually, on April 1st, and October 1st of each year. The bonds of the first series shall begin to bear interest from October 1st, 1837; and for the greater security of the punctual payment of said interest, the Mexican Government shall set aside irrevocably for this purpose, the sixth part of all the duties from the Custom Houses at Vera Cruz, and Santa-Anna de Tamaulipas, and this part of the duties shall be received from the Collectors of Customs by the Commissioners of the Mexican Government, one of whom shall be appointed on the proposal of the agents of the holders of the bonds in the City of Mexico. These Commissioners shall forward said funds to the agents of the Mexican Government in London, by each of the English packets. The commission to be paid said Commissioners for this service shall be on account of the Mexican Government.................

6. The deferred bonds shall be presented necessarily, when they are to be redeemed by the delivery of land, in the offices of the Secretaries of the governments of the respective Departments, that note may be there taken of them, as they are being presented (keeping a book for the purpose), that those in interest may be given the preference in the selection of lands, according to the order of their presentation. For the same purpose a certificate shall be given them, in which shall appear the number and place which belong to the deferred bond, to the end that therewith they may present themselves to the local authority, and this latter, with the intervention of the Surveyor of the Department, may give them possession of the land they may select, being careful to observe without fail Article 11, of the law of April 6th, 1830, which says: "In the exercise of the power which the general Congress reserved to itself in Article 7 of the Law of the 18th of August, 1824, it is forbidden to colonize foreigners of adjacent countries in those States and Territories of the Federation which adjoin their nations. Consequently, which have not been complied with and are contrary to this law shall be suspended."

7. For greater security in the payment of the principal and interest of the consolidated fund, the Mexican Government, in the name of the Nation, specifically mortgages one hundred million acres of public lands in the Departments of the Californias, Chihuahua, New Mexico, Sonora, and Texas, as a special guarantee of said fund, until the total extinction of the credits; but if any sale of the mortgaged lands should be made it shall be made at least at the rate of said four acres to the pound sterling and the proceeds shall be paid by the purchaser to the agents of the government in London, from whom only he can receive the corresponding inscriptions, and they shall use the proceeds of the sale to redeem the bonds of the new consolidated fund, which may also be received in payment of said lands at the price said bonds have in the market.

The Mexican Government, besides the general mortgage contained in this article, expressly reserves by a public decree twenty-five million acres of the lands of the Government in the Departments of closest communication with the Atlantic and whch appear most suitable for colonization from the outside. Said lands shall be specially and exclusively set aside for the deferred bonds, in case it is desired to exchange them for lands; and if the government sell them, the proceeds therefrom shall be devoted to the redemption of said bonds.

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POWERS OF GOVERNORS IN MATTERS PERTAINING TO THE TREASURY.

Comp. Laws, Vol. III, Page 443, No. 1900.

Law of December 7th, 1837.

Article 1. Until the decree issued by the Government on the 17th of last April, is revised, and a law enacted to prescribe the manner in which the Governors of the Departments are to exercise the power of supervision given them by the Sixth Constitutional Law, in its Article 7, Part 12, it shall be the duty of these officials, in the exercise of said power:

First: To witness or vise, in person in the capitals and by the civil authority in each one of the other places in the Department, the monthly and annual cash statements made by the several Chiefs of the offices of the Treasury and to report without delay to the Supreme Government the omissions and abuses they may observe.

Second. To preside over the Boards of Sale and of the Treasury, with power to defer the resolutions of these latter until, in the first or second session thereafter, the matter under consideration is more thoroughly examined into.

2. In the exercise of said faculty the Governor shall have power:

First. To witness the examination of the drafts in the money chests.

Second. To supply, in urgent cases, the approval of the Directory General of Revenues, for the appointment of Inspectors and Intervenors, but the Superior Chiefs, may nevertheless, give immediate notice to said office.

Third. To suspend, by executive order, after proceedings of investigation, with report of the Superior Chief, the subordinate employee or employees of the offices of the Treasury and Customs officers, who do not perform their duties or do not inspire confidence in the service, and report immediately to the Supreme Government.

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APPROVES CONVENTION MADE IN LONDON, SEPTEMBER 15TH, 1837, WITH HOLDERS OF MEXICAN BONDS.

COMP. LAWS, VOL. III, PAGE 624, NO. 2056.

Law of June 1st, 1839.

Article 1. The convention made in London with the holders of Mexican bonds, on September 15th, 1837, is approved.

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3. With respect to the colonies that may be established by virtue of the convention, the Government shall see that the existing laws on colonization, or those that may be enacted hereafter, are observed in so far as they are not contrary to the convention itself.

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5. The reservation to which the decree of April 4th, 1837, refers, for rewards offered to the Army of Independence, shall be made by the government from such lands as are sufficient for the purpose in Yucatan and the Californias. The two other reservations to which the same decree refers, for such grants as Congress may decree to barbarous tribes or nations, and to those who co-operated in the restoration of Texas, shall be made by the Government, which shall prefer for the first of these reservations, the lands nearest the frontier, and for the second, those on the coast of the Gulf of Mexico, distant not less than twenty-five leagues from the sea.

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Art. 7. * * * * * *

Sixteenth. For strict compliance with the stipulations in articles 4th, 5th, and 6th, of the convention, and with the provisions of articles 3rd, 4th, 5th, and 6th of the foregoing law, there shall be created, as soon as possible, by the proper Ministry, a bureau of colonization under the immediate orders of the Supreme Government, composed of three persons instructed in the branches it comprises, which shall be charged with the survey of the lands, designation thereof, rules for making colonization effective, and other operations that should be performed, bearing in mind to that end and observing article 6th, of the decree of April 12th, 1837, which has been admitted and remains in force in said Convention.

BASES OF TACUBAYA.

COMP. LAWS, VOL. IV, PAGE 32, NO. 2196.

September 28th, 1841.

Assembled in the general quarters at Tacubaya, the 28th day of September, 1841, at the call of his Excellency, the General-in-Chief of the Army of Operations, well deserving of his country, Antonio Lopez de Santa-Anna, the Generals of Divisions, of Brigades and other officers of the Staff, Chiefs of Corps, Commanders of the lines, and one representing the grade of officers, to consider the state to which events in the Republic have arrived since August 18th, when his Excellency, General Mariano Paredes y Arrillaga and the garrison of the Department of Jalisco, realized the glorious design of putting an end to public evils, and which was energetically seconded in the Citadel of Mexico the 31st day of said month, a matter of the most vital importance to the Nation was long and maturely considered. The latter having seen itself forced to launch out in the perilous career of a revolution, because there had already been exhausted the inadequate legal means which had been tried with the best of good faith to give affairs an orderly march, there is no doubt that its sovereign will is known, when the immense majority of the departments and nearly all the army have forcibly and definitely stated that they do not desire nor do they consent to the continuation of the affairs and of the men who have governed our destinies since the year 1836. This principle adopted by the universal acquiescence of the towns was indispensable to supply, in a provisional manner, the lack of the supreme authorities whose august mission has ceased, because the people have withdrawn their powers from them. As anarchy is the greatest of the evils they can suffer, the Nation cannot longer continue without a head, and new authorities should be established until, an Extraordinary Congress having assembled it may freely and carefully enact the fundamental laws that meet its approval with entire liberty, and to prescribe for all citizens their rights and obligations. The new administration shall be temporarily invested with the necessary power to do good and avoid evil in all the departments of public administration. But, as the responsibility of power is one of the first exigencies of civilized nations, there is established the authority and the epoch in which the responsibility of the Provisional Executive shall be made effective. He shall be assisted with the lights of a Council which the Departments shall name, in order that, at no time and under no circumstances, the integral parts of the Republic may fail to have the influence which by right belongs to them in the affairs of the State. In the meantime let the Provisional organization of the general powers of the Departments be considered, with a single correction inspired by the necessity of avoiding that the will of the Nation be opposed successfully. It would not be possible to arrive at a peaceable termination of the discords that unfortunately occur in political crises among the members of a great family, if solemn guarantees were not given for the perpetual forgetfulness of the conduct each one has followed, by error, or by the inspiration of his conscience. But, since the authorities and persons who deliver themselves to the culpable obstinacy of opposing the will of the people, place themselves in actual rebellion, it is observed that there shall be made effective the severe and unlimited responsibility of all who prolong, even without hope of success, the evils of the country. The cardinal points having been discussed with mature deliberation and with entire and full liberty, the following bases for the organization of the Republic were adopted by a unanimity of votes.

First. The so-called Supreme Powers, established by the Constitution of 1836, cease in their functions by the will of the

Nation, except the Judicial Power, which is restricted, in the discharge of its functions, to matters purely judicial, under existing laws.

Second. No other means being known for supplying the will of the Departments than to appoint a Board composed of two members from each one of them, born therein or citizens thereof and now in Mexico, his Excellency, the General-in-Chief, shall select them that they may, with full liberty, designate the person in whom the executive power is to be provisionally deposited.

Third. The person designated shall immediately assume the functions of the Executive, and shall take the oath in the presence of said Board, to do good to the Nation.

Fourth. The Provisional Executive, within two months, shall order an election for a new Congress which, with ample powers therefor, shall proceed to constitute the Nation, as may appear best.

Fifth. The Extraordinary Congress shall meet six months after the election is ordered and shall transact no other business than the formation of the Constitution.

Sixth. The Provisional President shall be responsible for his acts to the first Congress under the Constitution.

Seventh. The powers of the Provisional Executive are all those necessary for the organization of all the departments of public administration.

Eighth. Four Secretaries shall be appointed: The Secretaries of Foreign and Internal Affairs; of Public Instruction and Industry; of the Treasury, and of the Navy and War.

Ninth. Each of the Departments shall appoint two trustworthy individuals, as a Council, to report upon all matters upon which they may be consulted by the Executive.

Tenth. Until the Council appointed by the Departments assembles, the Board created by the second of these bases, shall perform its functions.

Eleventh. Until the proper organization is given to the Republic, the authorities of the Departments, who have not acted or shall not act contrary to the National opinion, shall continue.

Twelfth. The General-in-Chief, and all the Generals and Chiefs of the Army, obligate themselves, on the sanctity of their honor, to forever forget the political conduct observed by military or non-military citizens in the present crisis, and to consent to no persecution of any kind, because their desire is the most sincere reconciliation of all Mexicans for the good of the country.

ABOLISHES OFFICE OF SUPERIOR CHIEF OF THE TREASURY.

COMP. LAWS, VOL. IV, PAGE 75, NO. 2235.

Decree of December 16th, 1841.

Article 1. The office of Superior Chief of the Treasury, created by the decree of April 17th, 1837, is abolished and, consequently, the salaries and expenses those officials originate cease.

2. The Departmental Treasuries shall continue, for the present, to perform the functions of their office, as established by the law creating them, and shall also perform those of the discontinued Chiefs of the Treasury, except such as, by this decree, are assigned to the Commandants General; and the Treasurers shall increase their bonds to the satisfaction of the Treasury General.

3. The Commandants General shall be Inspectors and Visitors of all the Treasury offices in their respective Departments, and shall see that the public revenues are well and faithfully collected, administered and disbursed, under existing laws, regulations and other provisions, and shall make timely reports to the Supreme Government of whatever they may observe that should be brought to its knowledge that the necessary steps may be taken.

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5. These provisions shall go into effect from the first day of January of the coming year of 1842.

SALE OF TEMPORAL PROPERTIES.

Comp. Laws, Vol. IV, Page 114, No. 2282.

Decree of February 10th, 1842.

Antonio Lopez de Santa-Anna, etc.

Article 1. The Boards of Sale in the several Departments will proceed to sell, at public auction, to the highest bidder, the properties (*fincas*) situated therein that pertain to the department of Temporalities.

2. No bid will be admitted that does not cover the amount considered to be the value of the property (*fincas*), computed from the amount of the leases, which shall be considered as the interest thereof, at the rate of five per cent.

3. The bids shall be made for cash, which shall be paid when the sale is approved, less the amount of the burden imposed on each property (*fincas*), which the buyers shall continue to recognize with a mortgage thereof.

4. No action or claim, which the actual lessors of the property (*fincas*) in question, may intend to set up for improvements or under other pretext shall, in any manner, embarrass the proceedings of the Board of Sale in making the sales, but the right of parties in interest to apply to the Supreme Government, or to the proper authorities shall remain intact.

ALLOWS FOREIGNERS TO ACQUIRE REAL PROPERTY IN THE REPUBLIC.

COMP. LAWS, VOL. IV, PAGE 130, NO. 2304.

Decree of March 11th, 1842.

Article 1. Foreigners domiciled and residing in the Republic may acquire and hold urban and rural properties by purchase, adjudication, denouncement or by any other title established by the laws.

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3. Each individual foreigner cannot acquire more than two rural properties (*fincas*) in the same Department without the permission of the Supreme Government, and only with the boundaries they now have, independently one from the other.

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12. Foreigners cannot acquire National or public lands in any of the Departments of the Republic, without contracting for them with the Government, which possesses this right in representation of the dominion of the Mexican Nation.

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ON TEMPORAL PROPERTY.

Comp. Laws, Vol. IV, Page 264, No. 2408.

Decree of September 19th, 1842.

Article 1. The public Treasury recognizes all the burdens, encumbrances or obligations on the rural or urban property (*fincas*) that belonged to the temporal possessions of the ex-cloistered religious orders, other credits that were imposed on private and corporate property in their favor, the funds of redemption and supply banks and those of any other corporation that may have been disposed of or may be disposed of by the government.

2. The general Treasury shall pay the interest that was paid before such disposal, after the proper liquidation.

3. Consequently, all dependencies, results, all objects whatever that pertain to the funds included in Article 1, without any exception, are incorporated in the Treasury; likewise all credits, capital, assignments made to the redemption bank since its establishment, January 17th, 1837, until its extinction, December 6th, 1841.

4. The general Treasury, under its responsibility, shall scrupulously see that the capital referred to and outstanding is recovered, and shall so administer it that the delivery to be made thereof shall not be suspended, under pretext of any claim, although it be that of forfeiture or that the lawful owner is not known, since, in such event, such property will be considered as in deposit, although always in the power of the government.

TEMPORAL LANDS ORDERED PLACED AT THE DISPOSAL OF THE TREASURY GENERAL.

Comp. Laws, Vol. IV, Page 380, No. 2521.

Communication of February 28th, 1843.

His Excellency, the substitute President, desiring that the general Treasury of the Nation have full information of existing property that in time belonged to the excloistered religious orders, that the law of September 19th of last year may be duly complied with; and in compliance with what said office has said in the matter, his Excellency has been pleased to direct that your Excellency instruct the Common Council of this capital, the others of the Departments and other authorities whom it may concern, to forward to said general Treasury, as soon as possible, reports of said properties such as are necessary for that purpose, which properties shall be placed at the disposal of the office of the Auditor of Temporal Properties, which is subordinate to said general Treasury, that, when said Common Councils comply with said orders, they forward a copy of said reports to this Department; with the understanding that property that should be set aside for purposes of public beneficence should be included therein; inasmuch as in this case said general Treasury will make the classification of that which should be set aside therefor, thus avoiding the fraudulent disposition that might be made of other temporal property which, in accordance with the laws on the matter, belong to the Supreme Government.

(Communicated to their Excellencies, the Governors of the Departments.)

BASES FOR THE POLITICAL ORGANIZATION OF THE REPUBLIC OF MEXICO.

COMP. LAWS, VOL. IV, PAGE 429, No. 2576.

Decree of June 13th, 1843.

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TITLE VII.

GOVERNMENT OF THE DEPARTMENTS.

131. Each Department shall have an Assembly (Asamblea) composed of a number of members that does not exceed eleven, nor fall below seven, at the election, for this occasion, of the present Departmental Councils (juntas). The number of alternates shall be equal to that of the members.

132. To be a member of the Departmental Assemblies (Asambleas) the full age of twenty-five years is required, and the other qualifications of a deputy to Congress and not to be included in any of their exceptions.

133. Said members shall continue in their office four years; and shall be changed by halves every two years, the second ones appointed going out the first time, and thereafter those longest in office. If the number should be odd, the lesser number shall go out first, and thereafter the greater and lesser number shall alternate.

134. The powers of the Departmental Assemblies (Asambleas) are:

I. To establish taxes to meet their ordinary expenses, or for incurring the extraordinary expenses they may decide upon under their powers, with the approval of Congress, without prejudice to carrying them into effect as soon as they decree them. The President of the Republic can suspend these taxes, reporting without delay to Congress.

II. To regulate the employment of the funds and the system of accounts in the treasury of the Department.

III. To appoint the necessary employees for the collection and disbursement of the Departmental revenues, to fix their salaries and to regulate the duties of the employees.

IV. To create funds for establishments of learning, public utility or beneficence, with the requirements designated in the first power.

V. To decree what is convenient and in harmony with the laws with respect to the acquisition, alienation and exchange of the property (bienes) that may belong to the community of the Department. As to the alienation of lands (terrenos), the existing laws and what the colonization laws provide shall be observed.

VI. To provide for opening and improving the roads of the Department, and to see to their preservation, by establishing tolls thereon to meet the expenses thereof; this power being understood without prejudice to what the laws provide in regard to roads in general.

VII. To promote public instruction in all its branches, creating and endowing literary establishments and submitting to the bases Congress shall establish with regard to preparatory studies, curricula, examinations and degrees.

VIII. To create and regulate benevolent establishments and those for correction and security.

IX. To fix the contingent of men the Department shall furnish for the Army.

X. To make the political division of the territory of the Department, to establish municipal corporations and functionaries, to prepare their several ordinances and to regulate the municipal, urban and rural police.

XI. To take care of the public health and to make the necessary regulations to preserve it.

XII. To encourage agriculture, industry and other branches of prosperity, according to their powers.

XIII. To approve the plans for municipal taxes and the annual estimates of the expenses of the municipalities.

XIV. To establish and organize the superior tribunals and inferior courts, respecting the rights of the present Magistrates and Judges and to regulate the exercise of their powers, without altering the order of procedure the laws prescribe or shall prescribe.

XV. To present to Congress the initiatives of law, in use of the power which Article 53 gives them.

XVI. To consult the Governor in all matters in which he requires it, and also in those in which it ought to be done in conformity with these bases and the laws.

XVII. To present to the government a list of the persons that appear to them suitable and who are not less than five, for the appointment of Governor. In the frontier Departments the government will not be obligated to restrict itself to this list, and the same will hold when in any other Department and in an extraordinary case Congress orders it on the initative of the President.

XVIII. To hold the election, according to these bases, of President of the Republic, members of the Supreme Court of Justice and Senators.

XIX. To determine the police force there shall be in the Department, and regulate its service, which shall be limited to preserving order, caring for the public safety and assisting in the execution of the orders of the civil and judicial authorities. This force shall enjoy no special privilege, and shall be distributed among the towns in proportion to their needs.

135. The obligations of the Departmental Assemblies (Asambleas) are:

I. To prepare annually the statistics of their Departments and to forward it to the Supreme Government with the remarks they consider appropriate to the welfare and advancement of the Department.

II. To prepare the annual estimates of the expenses of the Department and to forward them to the General Congress, that it may have them before it when it revises the taxes they may establish to meet them.

The Governors.

Art. 136. There shall be a Governor in each Department appointed by the President of the Republic, on the nomination of the Departmental Assemblies (Asambleas), under power 17 of Article 134. He shall continue in his office five years counted from the day on which he takes possession.

137. To be Governor it is required to be a citizen in the exercise of his rights, thirty-five years of age, a native or citizen of the Department, to have two thousand dollars of actual income and to have served for five years in public employments or office.

138. Temporary absences of the Governor shall be filled by the oldest officer of the Departmental Assembly (Asamblea); absolute absence shall be filled by a new election in the manner provided in these bases. The person elected shall never continue for a greater time than that lacking to the Governor replaced.

139. The nomination for Governor shall be made in the first ten days of February of the year in which he should be renewed.

140. The obligations of the Governors of the Departments are:

I. To see to the preservation of public order in the interior of the Department.

II. To publish the laws and decrees of the National Congress, and the decrees of the President of the Republic, at latest, the third day after receipt thereof, causing them to be complied with within the Territory in which they exercise their functions.

III. To publish and to cause the decrees of the Departmental Assembly (Asamblea) to be complied with.

IV. To forward to the Supreme Government the decrees of the Departmental Assemblies (Asambleas).

141. The Governors are the only and necessary conduct of communication with the Supreme Authorities of the Republic; the cases of accusation or complaint against themselves and the official correspondence of the superior tribunals with the Supreme Court of Justice in judicial matters are excepted.

142. The powers of the Governors of the Departments are:

I. To return to the Departmental Assemblies (Asambleas) within eight days, their decrees, when they consider them contrary to these bases or to the laws; if they insist on them, they shall forward them to the government, also within eight days, for the purpose power XVII of Article 66 prescribes, in the meantime suspending their publication.

II. To return for once, within eight days, their decrees which are not in the case of the preceding article, stating the reasons they have against them; if they should insist on them, he shall necessarily publish them.

III. To appoint the subordinate civil authorities of the Department.

IV. To appoint the employees who may be designated to collect and disburse the revenue that may belong to the Department. In this appointment he shall respect the rights of the present employees.

V. To present three persons to the President of the Republic, with the concurrence of the Departmental Assembly (Asamblea), for appointment as Superior Magistrates, Learned Judges and Attorneys; hearing in every case the reports of the Superior Tribunals.

VI. To exercise, with respect to the employees of the Department, the same powers which power VIII of Article 87 gives to the President of the Republic and to impose fines upon those who fail them in this respect, in the cases and in the manner the laws provide.

VII. To see that justice is promptly administered in the Department in the same manner that the President of the Republic should do so.

VIII. To be President ex-officio of the Departmental Assembly (Asamblea) with a vote therein, and that of deciding in case of a tie, but not to vote in the exercise of the electoral power.

IX. To dispose the police force for the purposes of its creation.

X. To be the Chief of the Public Treasury of the Department, and to have in general the supervision which the law gives him.

XI. To grant permits for the establishment of public literary and beneficent associations, and to revise their regulations, reforming therein what is contrary to the laws and to public order.

143. The Governors shall be furnished by armed force the assistance they need for the preservation of order in their Departments.

144. Secondary laws and the decrees the Departmental Assemblies (Asambleas) enact in the exercise of the powers these bases give them, shall define the powers and obligations of the Governors, according to the foregoing bases.

145. The Governors, in their civil causes, shall be heard in first and second instance by the Superior Tribunals of the Departments in which they exercise their functions, or of those the capital of which is nearest, at the election of the plaintiff.

COLONIZATION OF TAMAULIPAS.

COMP. LAWS, VOL. IV, PAGE 620, NO. 2691.

Decree of October 3rd, 1843.

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2. For this purpose the government cedes, in said Department, the public lands, in accordance with the distribution thereof made to each person by Article 12 of the law of the General Congress of the 18th of August, 1824, excepting always the rights of property and that of the Nation that colonies be not established on the coast.

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PUBLIC LANDS APPLIED TO THE REDEMPTION OF COPPER COIN.

COMP. LAWS, VOL. IV, PAGE 666, NO. 2719.

Decree of December 9th, 1843.

Article 1. The value of the public lands not on the frontier and not affected by any other obligation is applied to the payment of the credits caused by the redemption of copper coin.

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CONSTRUES ARTICLE 1 OF THE DECREE OF DECEMBER 9th, 1843.

COMP. LAWS, VOL. IV, PAGE 722, No. 2739.

Decree of December 29th, 1843.

Article 1. It is declared that the meaning of Article 1, of the decree of the 9th instant, is that it mortgages, for the payment of the credits caused by the redemption of copper coin, only a portion of the public lands equivalent in value to said debt.

2. The government reserves to itself to indicate, as soon as the regulations referred to in Article 2 of said decree are made, which are the lands to be mortgaged and to fix the value of the same.

3. Consequently, the government is free to dispose of the public lands for the public benefit.

ANNULS SALES OF TEMPORAL PROPERTIES.

COMP. LAWS, VOL. V, PAGE 8, NO. 2805.

Law of March 5th, 1845.

Article 1. The property of temporalities and all others whatsoever that have not been sold, that have been set aside for hospitals, charitable institutions, foundling asylums and other establishments for beneficence or public instruction, shall be returned immediately to the authorities or corporations that were administering them, or are to administer them, in conformity with the laws.

2. The full value of the property alienated by the Government shall likewise be returned to them, and the interest or annual charges on the capitals which were recognized, when the alienations were made, shall be satisfied for them, and the new charges to be made on those capitals, in favor of the establishments mentioned in Article 1, shall not, for that reason, create the right of authorization.

PLAN OF THE CITADEL.

COMP. LAWS, VOL. V, PAGE 144, NO. ——

Plan of August 4th, 1846.

In the Citadel of Mexico, on the fourth day of August, 1846, the undersigned Generals, Chiefs and Officers having assembled, convinced that there is the most urgent necessity for removing, as soon as possible, the grave peril in which the Republic finds itself, and considering:

First: That, since the Constitution, which the Republic freely and spontaneously gave to itself, ceased to exist, those which have afterwards been made have not been conformable with the exigencies and desires of the great majority of the Nation.

Second. That therefrom have come the continuous oscillations that have afflicted the country, to the extremity that, after having broken the latter into pieces and after having studiously aggravated its external evils, a number of spurious Mexicans have believed themselves authorized to desire to subject them to the most shameful vassalage, and have pretended to call a foreign Prince to govern it under the title of Monarch.

Third. That, in order to carry out so horrible a treason against independence, they have had the effrontery to disown the sovereignty of the people and to appoint a congress in which have been brought together with special care the most extraneous elements, but the most suitable for consummating the ignominy of the Nation.

Fourth. That all the laws the present Congress may enact and the acts of the government being void, because neither the one nor the other is legitimate, there is therefore always an existing reason for the motive to continue demanding the exercise of its incontestable rights, usurped by the present administration.

Fifth. That, as this latter is composed of men, some of them addicted to the Monarchy, and others to the detestable Centralism, and all of them disaffected to the army, the dissolution of which they have sought for some time, because they encounter in it an obstacle to the realization of their perverse intentions.

Sixth. That, if these latter should unfortunately become effective, the blessings of independence, for which we sacrificed our blood and our fortunes, to have the right to govern ourselves according to our wishes and interests, would be illusory.

Seventh. That, by constituting ourselves in accordance with the will of the great majority of the Nation, we shall, at last, have a stable code, and under its beneficent protection our great elements of power and wealth will be developed, and terminate forever our internal agitations.

We have resolved to proclaim, and do proclaim, the following plan for the true regeneration of the Republic:

Article 1. In the place of the Congress that now exists, another shall be assembled composed of representatives elected by popular vote, pursuant to the electoral laws that served for the election of that of 1824, which shall, in that manner, be charged with constituting the Nation, and shall adopt the form of government that appears consistent with the will of the Nation, and also with everything relating to the war with the United States and to the question with Texas and other frontier Departments. The Monarchical form of government, which the Nation evidently detests, is excluded.

2. All Mexicans loyal to their country, including those who are out of it, are called upon to give their services in the present National movement, to which is very especially invited his Excellency, the well-deserving of his country, General Antonio Lopez de Santa-Anna, who is at once recognized as the General-in-Chief of all the forces that are enlisted and re-

solved to fight, that the Nation may recover its rights, secure its liberty and be governed by itself.

3. Until the Sovereign Congress assembles and enacts everything that may be necessary for the war, it shall be the precise obligation of the executive to dictate as many measures as may be urgent and necessary to sustain with decorum the National flag, and to comply with this sacred duty without the loss of even a single moment.

4. Four months after the liberating forces have occupied the capital of the Republic, the Congress referred to in Article 1 shall be assembled, for which it shall be the duty of the General-in-Chief to issue the call in the terms indicated, and to see that the elections are held with the greatest liberty possible.

5. The existence of the army is guaranteed and it is assured that it will be attended to and protected as is due the worthy military class of a free people.

6. He is declared a traitor to the Nation who endeavors to retard the assembling of said Congress, makes an attempt against it by offering obstacles to the liberty of its members, by dissolving or suspending its sessions, or pretends to oppose the Constitution it establishes or the laws it enacts under the present plan.

PROVISIONALLY RE-ESTABLISHES THE CONSTITUTION OF OCTOBER 4th, 1824.

COMP. LAWS, VOL. V, PAGE 155, NO. 2893.

Decree of August 22nd, 1846.

Article 1. Until the new Constitution is promulgated, that of 1824 shall be in force in all its parts that do not conflict with the plan proclaimed in the citadel of this capital on the 4th of the present month and in so far as is possible owing to the abnormal condition of the Republic.

2. The existence of the Departmental Assemblies and of the present Council of Government being incompatible with the fundamental code referred to, they shall immediately cease in the exercise of their powers.

3. The present Governors shall, nevertheless, continue as Governors "of the States" in the exercise of the powers entrusted to them by their respective Constitutions.

4. The Governors of the new Departments that have no Constitutions of their own shall regulate the exercise of their powers by those of the States whose capitals are nearest.

5. As the officials referred to in the preceding article have no lawful title at present, it is declared that they owe their existence solely to the political movement that is going to regenerate the Nation; and consequently, whenever it is to the interest of the same to do so, the General-in-Chief entrusted with general executive authority shall have power to remove them.

CLASSIFICATION OF REVENUES.

C. L., Vol. V, No. 2903, Page 169.

Decree of September 17th, 1846.

His Excellency, the General-in-Chief of the Republican Liberating Army, in the exercise of the supreme executive power, has been pleased to direct to me the decree that follows:

Jose Mariano de Salas, Brigadier General and General-in-Chief of the Republican Liberating Army, entrusted with the supreme executive power, to the inhabitants of the Republic, know ye:

That, until the General Congress determines what is appropriate, the public revenues shall be divided provisionally into general and special revenues of the States, in the following manner:

Classification of Revenues.

Article 1. The export and import duties that are established or that may be established in the maritime and frontier custom houses belong to the general revenues of the Federation.

2. The tax on consumption imposed on foreign merchandise by the law of April 2d, 1831.

3. The proceeds from the sale of free lands which the law assigns to the Federation.

4. The impost of four per cent on money established by Article 1 of the decree of March 10th, 1843.

5. The proceeds from the revenue on tobacco and from the mails, from the National lottery, from the salt deposits that belong to the Nation, from stamped paper and from the mints.

6. All the revenues which, under the laws, are collected in the Federal District and the Territories which have not become States.

7. All property known under the name of National, including that of the ex-Inquisition and temporalities, excepting only that which was adjudicated to the States by law.

REVENUES OF THE STATES.

8. All the revenues, imposts and taxes established by general laws, which are not found included in the foregoing articles.

9. They are also entitled to the tax imposed, by the decree of August 6th, 1845, on the spindles of cotton and woolen thread factories, and on the funds allotted to Boards of Public Improvements.

10. The receipts from internal custom houses, but these may be extinguished if the arrangement of exterior and interior commerce requires it.

11. The active and passive credits (assets and liabilities) of the revenues assigned to the States are the credits and debits of the general revenues.

12. The States shall receive all the revenues designated in this decree with the obligation to cover the following established contingent:

Jalisco,	every month	$12,000
Puebla	do	12,000
Mexico	do	12,000
Zacatecas	do	8,000
Oaxaca	do	4,500
Guanajuato	do	5,500
Michoacan	do	5,500
Yucatan	do	3,500
San Luis Potosi	do	4,500
Vera Cruz	do	4,000
Sonora	do	2,000
Queretaro	do	2,000
Durango	do	3,500
Sinaloa	do	2,000
Tabasco	do	2,500
Aguascalientes	do	250
Chiapas	do	500

13. The States of Nuevo-Leon, Coahuila, Upper and Lower California, Tamaulipas and Chihuahua are excepted from the contingent, as long as they are invaded, but as soon as they are free they shall contribute to the general expenses the quota that may be assigned to them, and the same shall be done as soon as the Nation recovers the State of Texas.

14. The States shall deliver their contingent during the last three days of every month, and if, after the first week of the following month, they have not delivered it, the revenues of the States shall be taken and the payment made therewith, under the provisions of Article 3 of the law of September 21st, 1824, inasmuch as the general government, when it made the classification of revenues, while it overlooked many important ones, has started on the supposition of the most religious punctuality in the payment of this impost and in consideration also of the immense expenditures the Supreme Government sees itself forced to make to sustain the National honor and to recover the territory usurped by a neighboring Nation.

15. Fifteen days after the publication of this law in the capital of every State, the formal delivery of revenues and offices shall be concluded and the necessary statements of receipts and disbursements shall be made in the proper books for the liquidation of accounts.

16. Exact inventories of the property, active and passive credits, archives, papers and utensils in each office shall also be made and signed, in the capital of each State by the Governors and Commissaries, and in other towns by the revenue employees and the head civil officer.

17. The Commissaries General shall forward to the general bureau of revenues authenticated copies of the inventories and statements under cover and registered at the post offices.

18. In the revenue offices of the States outstanding debts shall be collected under the supervision and intervention of the Commissaries General and their subordinates.

19. The present employees of said revenues assigned by this decree to the States, whenever, under the laws, they have acquired the right to retire on pay or to be so considered without pay, shall address their applications, through the proper channels, in case they have no position in the States themselves.

20. There shall be continued in the States and Territories, for the present, the payments that are being made by order of the general government in the offices of the revenues assigned by the present decree to said States, said payments being charged to the contingent account, and for what they are found to owe the Federation by the burdens they were heretofore carrying.

ESTABLISHING THE BUREAU OF COLONIZATION.

COMP. LAWS, VOL. V, PAGE 217, NO. 2925.

Decree of November 27th, 1846.

Department of Internal and External Affairs:

His Excellency, the General entrusted with the supreme executive power, has been pleased to direct to me the decree that follows:

Jose Mariano de Salas, General, entrusted with the supreme executive power of the United States of Mexico to the inhabitants of the Republic, know ye:

That, being authorized by the plan proclaimed in the Citadel on the 4th of last August, to dictate all the measures the safety of the Republic may require, and considering:

That one of the most necessary and urgent is the promotion of foreign immigration to settle our immense tracts of land, which are to-day the object of foreign greed.

That to this end it is indispensable to establish the Bureau of Colonization previously decreed, that it may work zealously and constantly for the rapid increase of population, upon which will depend great prosperity.

That economy in the Treasury is to-day more than ever necessary and there will be economy in that the aforesaid Bureau be established in the office of (the Bureau of) Industry, which combination, moreover, presents no inconvenience, I have seen fit to decree what follows:

1. In conformity with the provisions of Article 16 of the Regulations made for the execution of the law of June 1, 1839, the Bureau of Colonization is established under the immediate dependency of the Department of Affairs.

2. This Bureau shall be composed as is provided in said Regulations, of three individuals appointed by the Supreme Government.

3. To economize expenses, the Bureau of Colonization shall be established in the office of (the Bureau of) Industry, and shall exercise its functions and attributes. With respect to colonization, it shall promote it efficiently, by all means possible, consulting the Government as to those that required disbursements for which its funds are not sufficient, and by endeavoring to combine the rapid increase of population with that of the income of the Treasury, by the sales it shall make of public lands. It shall also exercise the attributes given it by said Regulations of June 1st, 1839, and those which shall be prescribed in the Regulations it shall make and submit for the approval of the Government.

4. The Bureau of Colonization and Industry shall have the funds assigned to that of this last name, in the decree of October 2d, 1843, five per cent of the sales of the lands belonging to the Federation, and the value of prohibited articles confiscated, unless necessarily consumed in the place where sold, or twenty per cent of the duties for the importation of these articles, if hereafter permitted.

Therefore, I order it printed, published circulated and duly complied with.

Palace of the Government in Mexico, November 27th, 1846.

JOSE MARIANO DE SALAS.

FOR THE BUREAU OF COLONIZATION.

Comp. Laws, Vol. V, Page 229, No. 2931.

Regulations of December 4th, 1846.

Department of Internal and External Affairs:

His Excellency, the General entrusted with the supreme executive power, has been pleased to direct to me the decree that follows:

Jose Mariano de Salas, Brigadier General, entrusted with the supreme executive power of the United States of Mexico, to the inhabitants of the Republic, know ye:

That, being firm in the desire to make effective the prosperity the system of colonization should produce in the Republic, and considering that the decree issued on the 27th of last month, which established the Bureau of that department, will not produce the results expected, if its functions are not immediately defined; having before me the report in which these are prescribed as presented by said Bureau, which has been occupied in draughting the same with care and efficiency from the moment it was installed, in compliance with the provisions of Article 3 of said decree of the 27th of last month, taking into consideration the initiative the government had decided to make, which establishes the principal bases upon which will depend the success of colonization. I have seen fit to decree the following:

REGULATIONS.

1. In order that the Bureau of colonization may not stop its labors, by the accidental disqualification of its members, three substitutes shall be appointed who shall be called in the order of their appointment, whenever the disqualification or default of any of its members occurs.

2. In default or disqualification of the President, who shall always be the first appointed, the second shall discharge his functions, and in those of the latter, the third.

3. To reach an agreement in the Bureau the presence of a majority shall be sufficient, and the uniform vote of two.

4. The proprietary and substitute members of the Bureau shall continue four years in the exercise of their functions.

5. The President shall have charge of the correspondence and everything relating to the economy of the office.

6. The appointment of the employees of the office belongs to the Bureau, with the approval of the Government; the provisions of Article 11 of the organic decree of the Bureau of Industry, of December 2d, 1842, governing with regard to their duration.

7. The Bureau of colonization shall take particular care that maps are made of the lands of the Republic that can be colonized and collect the data that exists in the archives to ascertain what is necessary for the better direction of the business, relating to colonization, and procure notices and information of the class of lands, its waters, timber, minerals and salt deposits, as well as of the climate and productions of said lands.

8. Said Bureau shall appoint surveyors to make the survey, without delay, of the public lands that now, or hereafter shall belong to the Federation, such public lands being understood to be the lands that are not the property of individuals, companies or corporations; and if it should be thought convenient hereafter, it may appoint and commission a Surveyor-General, with residence in this capital, to revise the maps and surveys.

For these offices and others, it may employ in commission employees who have been removed or retired, and those who are in actual service.

9. These surveyors shall take the oath before the Bureau or authority it may entrust it to, to execute the surveys faithfully. Those charged with carrying the chains in said surveys shall

take it before the surveyors. The Bureau shall have power to remove these latter for economical reasons, for delinquencies in the discharge of their duties and to appoint others in their place in case of sickness, death or removal.

10. The surveyors shall act and shall proceed with the surveys in full compliance with the orders they receive from the Bureau.

11. The surveys shall be made by *sitios*, which shall be squares of six miles of 1666 2/3 Mexican varas to the side, or 18,948 6/100 acres. The lines to form the squares shall be run straight from South to North, one at every mile. Upon these lines others shall be run from East to West, at an equal distance of one mile, one from the other, forming perfect squares with right angles, so that each square shall be a square mile, or 526 335/1000 acres.

12. Failure to make this division in the surveys shall not be allowed, except when physical or legal obstacles prevent it, that is to say, when natural obstacles or right of property in adjoining lands do not permit it, but then the surveyors shall always endeavor, as far as possible, to make the surveys in squares.

13. The surveyors shall be present in person to run the first and last lines from North to South or from West to East, and all those that are not regular, because the surface of the ground does not permit it.

14. The lines shall be run with a cord or light iron chain and exactly copied or drawn on the map to be made. In notes on said map mention shall be made of the streams of water on the land, marking their courses in the places where they pass, and calculating their amount. The lakes, marshes, timber, minerals, salt deposits and everything else there may be, the climate of the place and the ostensible quality of the land and everything that may give an idea of the use that can be made of them, shall also be stated.

15. The squares into which a *sitio* is divided shall be numbered on the map beginning with number 1.

16. Every square of a square mile shall form a lot of 526 335/1000 acres. Lot No. 16, shall always remain unsold, for the public uses to which the government may see fit to reserve it.

17. The surveyors being responsible for the correctness of surveys, they shall take the greatest care to execute them well, and in the variations of the needle fixing and noting the true meridian.

18. The surveyors shall receive the salary they may agree upon with the Bureau.

19. Said Bureau may advance to the surveyors, under security, the amounts which, in their opinion, they may need, and at the end of the year it will adjust and pay them what is due, or they shall return what they have not earned of the advances, if they are not to continue.

20. With this object and that the maps may be in the office of the Bureau, the surveyors will forward them thereto and keep copies.

21. The Federation reserves to itself the mines discovered, or that may be discovered, in the public lands that are not owned when the latter are alienated.

22. It also reserves to itself the sixth part of the land surveyed, for the disposal of the Department of War for military rewards and the necessary portion, in the opinion of the Bureau, to capitalize the salaries of those employees who may desire to retire from the service, this capitalization to be made by giving them in land warrants a sum, which placed at five per cent should produce the amount of the annual salary they receive.

23. The price of each acre of land for the present, and until the Bureau of Colonization proposes something else, and the government decrees it, shall be at least four reals, except in Lower and Upper California, where it shall not exceed two

reals per acre. The price of public lands may be at once increased by the government, on the recommendation of said Bureau, with regard to their location, the benefits they may produce, and other circumstances that make them especially valuable.

24. The surveyors, when they survey lands in contact with acquired properties or surrounded by them, shall summon the parties interested in said properties to be present at the act with their titles. In case of contest, the surveys shall be made considering as public land what the surveyors judge to be such, and the matter shall be forwarded for decision in justice to the proper District Court. Connivance or collusion between proprietors and surveyors shall be considered as defrauding the public Treasury and they shall be tried as such defrauder, for the mere fact of not informing the Bureau of Colonization, without any delay, of the public lands they may discover occupied, without right at the time of making the survey. Those who denounce lands held by individuals, companies or corporations without title, shall receive as a reward twenty-five per cent of their value when the land is sold by the Bureau, in the values in which the price of the sale is paid, or in the land itself, if it is conveniently divisible, in the judgment of the Bureau, with the obligation to cultivate it or settle it.

25. Every tract of land surveyed shall be monumented by the surveyors or marked with fixed marks, of which mention shall be made on the map.

26. The maps of the lands surveyed shall be open to examination in the office of the Bureau of Colonization and in those of the agents in the States and Territories where sales of lands are to be made.

27. These latter shall be made in the office of the Bureau of Colonization, and by its agents and commissioners in the States and Territories, who shall be governed by the provisions of this decree and those they shall receive from the Bureau itself.

28. Said sales shall be made at public auction to the highest bidder, under the following rules:

1. As soon as the Bureau receives the map of a tract of land, it shall announce the sale thereof in the newspapers with three months' anticipation, stating the place where it is to be made and, if it is to be made by the agents, they will also advertise it at least one month before.

2. On the appointed day the land will be offered for sale, at the price and with the conditions provided in this decree. The best bid will be considered to be that in which the introduction of the largest number of families in a given time is assured. The shortest term for this introduction will be considered a better offer and in the absence of a bid on this basis, consideration will be given the best price offered, to cash offers and to those to be made in coin.

3. The payment shall be made with 20 per cent in money, which shall be paid in four parts, one immediately and the other three within the twelve months following, one every four months. The balance shall be paid within two years, counted from the day of the sale or auction, in money or in warrants against the Treasury of the Internal or External debt, which are in process of payment or earn interest.

29. As a general rule, in every contract of sale, the purchaser shall be obligated to settle the land he acquires, with at least two families, of five individuals each, per square mile, in the term of two years counted from the date of the auction or purchase.

30. The corresponding title to the property shall be issued by the Bureau of the Department to the person to whom the sale is made, which once made, cannot again be opened.

31. Every deed of sale shall be signed by the Board and toma de razon thereof shall be made in the general Treasury of the Federation.

32. No fees shall be charged either for the sale or for issuing the title to the property. The purchasers shall pay nothing ex-

cept the cost of the stamped paper upon which the title is drawn, which in every case, shall be of stamp third, and two dollars to the office where said sale is made.

33. When there are no bidders on the day set for the sale of a tract of land, the sale shall be suspended until a buyer presents himself, to whom it shall be made.

34. The Bureau of Colonization shall advertise every month, in the papers of this capital, the sale of the lands that have remained unsold, because there was no bidder on the day set for their sale.

35. Said Bureau may contract with individuals or companies for the establishment of colonies under the following bases:

1. That none of the colonists that may be introduced shall be subjects originating or proceeding from a nation whose territory is bounded by the lands to be granted, nor of a power with which the Republic is at war, with the exceptions the government may make for special reasons and motives.

2. That slavery shall, at no time, be allowed in the colonies.

3. That there shall be presented to the Bureau the maps of the survey of the lands made by a surveyor in whom it has confidence who, in case of deception therein, shall be subject to the penalties spoken of in Article 23, for a term which the Bureau shall fix, which shall not exceed two years, and if the survey has already been made, the cost thereof shall be paid.

4. That the price of the public lands shall be recognized as a rent, or shall be collected in credits in process of payment that earn interest, paying 20 per cent in money. Said price shall be fixed by the government on the recommendation of the Bureau, according to localities, and shall not be less than half that provided in Article 23.

5. That the number of families agreed upon with the Bureau be introduced in a fixed time.

6. That the grants of lands and payments shall be forfeited for failure in any of the foregoing conditions.

36. These contracts for new settlements shall be put up at public sale, the right of preference being granted to those who made the first propositions, unless on account of their nature or the circumstances of the case, this requirement cannot be carried out in the judgment of the Bureau.

37. The Bureau may also, with the approval of the government, contract for the establishment of banks for the colonization of large territories, and for opening and improving roads of communication with the colonies, with mortgage to the value of the public lands. In this case, the government shall fix the price of the public lands, and it shall be paid in bills issued by the banks. Their establishment shall be made on the basis contained in the decree of October 25th, 1842, the government fixing, in each case, the cash capital with which they are to be established, the amount of bills that may be issued, the time they may exist, and that for the redemption of the bills.

38. The lands that may be granted for new settlements, shall be: First, the public lands belonging to the Federation; second, those their owners cede for the purpose under agreements with the Bureau of the Department; third, those of property acquired under concessions from the government, or by any other title, that are kept uncultivated and unsettled and which the Bureau may think ought to be colonized. In regard to these lands, the Bureau shall require their owners to do so, giving them a term that shall not exceed five years; and, if, in that time, they do not have them cultivated or settled, at the rate of ten persons per square mile, a proposal shall be made them, to sell the same for colonization. If they do not consent to this, the Bureau shall apply to the government, stating the case and the reasons why it considers the sale ought to be made, and if the government finds them just, it shall decree the occupation of the lands in the terms prescribed in paragraph 3, of Article 112, of the Federal Constitution.

39. The promoters of colonization shall allot lands to colonists in conformity with the contracts they make with them,

except the obligation to recognize the rent in that part of the price which is not to be paid, which rent the colonists shall pay in proportion to the land they occupy.

40. The Judges and Authorities of the Republic shall cause said contracts to be carried out, on petition of the party in interest.

41. New foreign settlers shall be considered citizens of the Republic, from their arrival at the Colony, under the decree of September last passed.

42. The promoters of new settlements shall have under the decree of October 3d, 1843, a direct intervention in everything relating to the economy of the Colony and its original organization; with regard to the administrative and judicial branches, the laws of the Republic shall be observed; with the exceptions and privileges of new settlements.

43. All the public acts and documents of the Colonies shall be written in the Spanish language.

44. Under the decrees of October 25th, 1842, and November 5th of the present year, the new settlements shall enjoy the following exceptions:

1. From active military service for twenty years, except in case of foreign aggression.

2. From all taxation not municipal for the same term of twenty years.

3. Exemptions from all duties for ten years from the establishment of the Colonies, on all articles of subsistence, clothing, furniture and other necessary articles for the construction and ornamentation of houses that may be brought into them. These effects shall be carried to the Colonies with due precautions that they may not be carried to other points and may not be brought out of them for trading without incurring the penalty of confiscation.

4. The free importation, without paying duties, on instruments for the arts and for agriculture, books and printed matter, for twenty years, and for the same time no burdens shall be imposed on rural or urban estates.

5. From tonnage dues on vessels that bring at least ten families of new settlers, or come entirely loaded with effects intended for the Colonies.

45. Military Colonies, composed of Mexicans or foreigners or of both, shall also be established on the coasts and frontiers where the government may designate, especially to prevent the incursions of the barbarians, and in them there shall be ceded to the colonists, gratis, the lands the Bureau of Colonization may designate, with the approval of the government.

46. To the Military Colonies shall belong:

1. The retired and invalid soldiers of the Republic who apply therefor.

2. Those on leave and who may desire their balances made good in lands and habilitations to cultivate them.

3. Native Mexicans or foreigners to whom the Bureau of Colonization may grant it.

4. Those who may hereafter be forcibly assigned to them by provision of law. The transportation of the individuals of the Military Colonies shall be paid for them and quarters, agricultural instruments and implements furnished them, or for the trades they may go to follow, and the means of subsistence for the first year.

47. The Military Colonies shall have the same privileges as the others, and shall be governed like those that are not; but all the individuals who can bear arms shall be organized in companies or corps, the government providing them with arms, ammunition and everything necessary for the service. The Government, hearing the Bureau of Colonization, shall make regulations for the instruction and service this militia shall perform, the pay they shall receive when in active service and everything necessary that these settlements serve their purpose, without taking them from their domestic occupations.

48. A Military Colony composed of foreigners only cannot be established except alongside of another of Mexicans or of other foreigners of different origin.

49. The Bureau of Colonization shall apply for the establishment of Parishes in the Military Colonies and shall provide each of them with a primary school and a surgeon-physician.

50. Said Bureau shall secure the establishment of missions in the Colonies nearest the savage tribes, and shall propose to the Government the means for sustaining and increasing them and of improving those already in existence.

51. The Bureau of Colonization shall appoint Agents, Commissioners or Auxiliary Boards in the States and Territories whose labors, in matters of colonization, shall be performed under instructions from said Bureau.

52. It may also appoint agents in foreign countries to promote colonization and enter into relations with the Ministers and Consuls of the Republic for the commissions it may be advisable to entrust to them.

53. From the data it shall collect, the Bureau of Colonization shall propose to the government the manner of surveying the lands on the frontiers of the Republic, and whatever concerns the interior navigation of rivers. The colonization of the frontiers shall not be made without the express approval of the government, at less than twenty leagues from the boundaries of the Republic, or less than ten littoral leagues, in accordance with Article 4 of the law of August 18th, 1844.

54. The office of the Bureau shall keep a clear and methodical register of all public lands, of the titles of sales it makes, or contracts, and of concessions of lands when the issue of the title to the property depends on the survey. It shall also keep a register of the leases made for the amount of the price of the lands, and make a table showing the relation between the measurements surveyors have used up to the present and the acre and mile.

55. The Bureau shall propose to the government everything concerning the better administration and government of the new settlements, shall represent against the abuses committed

therein and that the guarantees and exemptions granted the colonists be carried out.

56. The Bureau shall exercise the following functions in regard to the Department of Agricultural and Industrial Manufacturing Industry of the Colonies, the District and Territories of the Federation and in what is within the competency of the General Government in the States:

1. It shall be the conduct for communication between the Boards of the Manufacturing and Agricultural Industry of the Colonies and of the District and Territories of the Federation and the Supreme Government, and through it every application or petition made to the government on matters relating to agriculture and the arts shall be sent up, with its opinion on the same.

2. It shall enter into correspondence with the Boards of Agriculture and Industry in the States, relative to their institution.

3. It shall render to the government the reports it may call for in matters pertaining to said industry.

4. It shall have under its charge the collection of industrial statistics.

5. It shall promote progress in agriculture and in the arts by all adequate means, and especially by premiums for industrial inventions, and improvements in cultivation, plants and breeding of animals, and for the establishment of art and agricultural schools and the publication of instructive works.

6. It shall report on all applications for patents for inventions, perfection or introduction of new methods of industry, and in its archives shall be deposited the models and descriptions presented by those who obtain them, and shall publish both when the inventions revert to the dominion of the public.

7. It shall cause to be held in the capital of the Republic periodical exhibitions of the products of National agriculture and manufactures.

8. It shall carry out as soon as possible the establishment of schools of art and agriculture, under the supervision and care of the Bureau of Colonization, taking immediate charge of the estates set aside for said establishments.

57. In the Treasury of the Bureau the books shall be kept with the formalities that shall be decreed on the recommendation of the Board, and for the time being the present rules shall be observed.

1. No payment not decreed by law shall be made, without the order of the President and without the approval of the Board, and also the approval of the government in those cases where expressly required by law.

2. Every month a statement of receipts and expenditures shall be made and a general one at the end of the economic year.

3. A statement of the accounts of the Treasury shall be made on the 30th of June every year, and shall be presented before the month of November, together with a memorandum to include a statement of the departments under the charge of the Bureau, in which shall be given those of Colonization and of Industry, their progress or the causes of their backwardness, if any there be, with an indication of what should be done to remedy it, and the government, taking everything into consideration, may dictate the means within its power or propose to Congress in the following sessions what corresponds to the legislative power.

Therefore I order it printed, published, circulated and duly complied with.

Palace of the federal Government of Mexico, December 4th, 1846.

JOSE MARIANO DE SALAS.

CODE OF COLONIZATION AND PUBLIC LANDS.

MEXICO, GOVERNMENT PRINTING OFFICE, 1893. NO. 121, PAGE 360.

Circular of December 4th, 1846.

RECOMMENDING EXACT COMPLIANCE WITH THE DECREE ISSUED FOR THE ESTABLISHMENT OF THE BUREAU OF COLONIZATION.

Department of Internal and External Affairs:

On the 27th of last month the government decreed the establishment of the Bureau of Colonization, previously ordered established by the Regulations of June 1st, 1839, and I now have the satisfaction to enclose to your Excellency the Regulations his Excellency, the General entrusted with the Supreme Executive Power of the Republic, has been pleased to order promulgated, in which are given, in extenso, the functions of said Bureau and the main rules and principles under which the sale of the public lands of the Federation and the establishment of new Colonies should be carried out.

For some time there has existed the conviction of the necessity of attending to this matter which has been considered with reason as the basis of the aggrandizement and prosperity of the Republic. Laws have been made, one after the other, bearing on this matter, and contracts have been entered into for the establishment of Colonies, but without effect or results. The only one that has been established and has prospered is the one that rebelled in Texas, because the purpose underlying its establishment was not that of an economic or mercantile enterprise, but of usurpation of our territory, by taking advantage of *the juvenile candor with which the Republic, without distrust,* opened its arms to all foreign Nations in the first days of its independent existence. This fact shows that colonization laws were inadequate to produce the result of an increase of population and insufficient to stay the evil of usurpation.

The iniquous war that is now being made upon us for our territory, without other motive than to extend this usurpation, by opening the eyes of the government to the future, has made it understand that the integrity of its territory, the increase of population and its own aggrandizement will depend hereafter upon the rules and principles of colonization, and understanding it, it cannot fail to make provisions to this end, with the power of preservation which the movement for the regeneration of the Republic has conferred upon it, by fully opening the door to foreign immigration that seeks in the United States of Mexico a future and a country, and by closing it to the astuteness of usurpers.

Force should hurl the invaders from our soil, and settlements cover it, so that it may not hereafter serve as a temptation to ambitious schemes and to the greed of adventurers.

The government, meditating upon the means for removing the obstacles to immigration and for offering inducements to attract new settlers, with knowledge of the schemes formed by diverse commissions and of that presented by the Bureau of Colonization, which took up this matter with zeal and care, as soon as it got together, has issued this decree which I now forward to your Excellency.

In it has been fully provided everything relating to the survey of the public lands, because the fact that this was not done before is undoubtedly the principal reason why there have been heretofore no colonization enterprises nor sales of lands to foreigners. They have been offered with liberality but without stating where they were, their extension and circumstances, and this could not and ought not produce effect. Hereafter, the existence of the public lands will be verified by surveys and on the maps will be stated their location and extension, their temperature, their characteristics and quality, the waters they have and the benefits that can be obtained from them.

Similar maps made in the United States of the North attract purchasers and immigrants, and without them we do not see any one solicit our lands, because no one looks or cares for what he does not know or of whose existence he is not aware, in a conclusive manner upon which he can calculate.

The indifference or repugnance of foreigners in soliciting our lands has been attributed to the internal revolutions through which the Republic has passed, and this cause, has, in fact, had a part in that there has been no demand for lands, but this ought not be an obstacle to there being many immigrants, who should establish themselves beyond the center where these disturbances have taken place, and the more so when they have produced no loss of property, nor have acts of violence been seen in them to force the inhabitants to take up arms, but peaceable and industrious men have always been left in tranquility.

Peace and tranquility are the first elements of the well-being and prosperity of societies, and without them we cannot expect good but evil. The increase of population will firmly establish it among us, because it is the basis of wealth and prosperity and disturbances arise from its absence.

When fixing the price of lands, the government has also desired to remove obstacles to immigration. The ten reals per acre formerly established drove away the applications of every enterprise. This is the price in the United States, but we should not forget that transportation to our ports costs more than to those of that Nation and there are greater difficulties and expenses to overcome to reach the interior of this Republic than in that, where, on the other hand, everything is easy, arranged for and known to the immigrants. Perhaps the prices established ought to be still less.

The concessions made to promoters, the formation of companies and banks, the privileges granted to new settlers, which are certainly great, although not all that ought to be granted to them, will undoubtedly give an impulse to colonization. The government has believed it ought to leave to Congress to decree certain transcendental points, such as those relating to the internal government of the colonies, the formation of States composed thereof, and the religion of those where the inhabitants are not Catholics, and also reserved to Congress the decision of the cardinal point as to whether the matter of colonization should remain reserved to the Federal power, as is absolutely necessary, that it be carried out under uniform rules and that it have the most complete effect, applying, nevertheless, to the States a part of the proceeds from the public lands sold, and another to the redemption of the public debt and to the capitalization of the salaries of employees who may wish to retire from the service.

The establishment of military colonies was another urgent necessity, because they will not only be the bases of settlements on the coasts and frontiers, but will also be a barrier to resist the incursions of the barbarians who destroy and devastate the country. In these colonies invalids incapacitated in the service can find the honorable and comfortable repose which for themselves and families they ought to find in the enjoyment of property, and other families now of the laboring class and buried in misery will also find it. And by increasing successively the number of these, peace and order will be guaranteed and morality will make considerable progress. The military colonies will serve as a basis of support to replace the settlements that have been abandoned, from terror of the barbarians, and multitudes of families will hasten to seek protection in them, who now wander about in the interior, without means of subsistence; and these colonies strong, because their inhabitants will have to defend their property, will not present, at first aspect, the appearance of an expensive militia, but that of citizens dedicated to increasing national wealth, and around these settlements others will spring up, and missions will be founded. Civilization will thus slowly, but surely, penetrate to the savage tribes.

So many objects of first public interest cannot be attended to as the welfare and prosperity of the Nation require, except by entrusting them to a permanent Bureau which, knowing the field in which it has to work, acts with energy and intelligence and can give the government the lights and results of study, experience and practice.

Said Bureau can, and ought, to continue the useful labors of the Bureau of Industry, in the office of which it has been established, for economy, and will exercise the important attributes of promoting progress in agriculture and in the arts, in the terms compatable with the system of government.

His Excellency, the General entrusted with the supreme executive power, desires that the great ideas that have guided him in issuing this decree, be carried out and this will depend, in great part, on the co-operation of the governments of the States, and his Excellency flatters himself that he knows by experience how much ought to be expected from the devotion of your Excellency to matters upon which depend the welfare of the Nation.

I reiterate to your Excellency the protestations of my consideration.

God and Liberty. Palace of the Federal Government of Mexico, December 4th, 1846.

LAFRAGUA.

ACT OF CONSTITUTIONAL REFORMS.

Comp. Laws, Vol. V, Page 275, No. 2982.

Decree of May 18th, 1847.

In the name of God, creator and conservator of societies, the extraordinary, constituent Congress, considering:

That the States of Mexico, by a spontaneous act of their own individual sovereignty, and to consolidate their independence, guarantee their liberty, provide for the common defense, establish peace and procure the welfare thereof, formed a confederation in 1823, and afterwards in 1824, constituted a political system of union for their general government, under the form of a popular, representative Republic, and upon the preexisting foundation of their natural and reciprocal independence;

That that compact of alliance, the origin of the first constitution and the only legitimate fountain of the supreme power of the Republic, subsists in all its primitive vigor, and is, and must be, the principle of every fundamental institution;

That this same constitutive principle of the federal union, if it has been opposed by a superior force, could not and cannot be altered by a new constitution;

And that, in order to further consolidate it and make it effective, the reforms which experience has demonstrated to be necessary in the Constitution of 1824, are necessary, has resolved to declare and to decree, and in use of its full powers, does declare and decree:

I. That the States that compose the Mexican Union have recovered the independence and sovereignty that were reserved to them in the Constitution for their interior administration;

II. That said States continue united under the compact that at one time constituted the political mode of being of the people of the United States of Mexico;

III. That the Constitutive Act and the Federal Constitution, sanctioned on the 31st of January and the 4th of October, 1824 form the only political Constitution of the Republic.

IV. That these codes shall be observed with the following:

ACT OF REFORMS.

Art. 1. Every Mexican by birth or naturalization, who has attained the age of twenty years, who has an honest means of living, and who has not been sentenced, in a legal prosecution, to any infamous penalty, is a citizen of the United States of Mexico.

2. It is the right of citizens to vote at popular elections, to exercise the right of petition, to assemble to discuss public affairs, and to belong to the national guard, all pursuant to the laws.

3. The exercise of the rights of a citizen is suspended for being an habitual drunkard, or professional gambler, or vagrant; for the clergy, by legal prohibition; for prosecution for any of the offenses by which the quality of citizen is lost, and for refusing, without sufficient excuse, to fill public offices upon popular election.

4. The exercise of these rights, the manner of proving the possession of the qualities of citizen and the proper manner of declaring their loss or suspension, shall be regulated by law.

The citizen who has lost his political rights, may be rehabilitated by the general congress.

5. To guarantee the rights of man, which the Constitution recognizes, a law shall establish the guarantees of liberty, security, property and equality, which all the inhabitants of the Republic enjoy, and shall establish the means for making them effective.

6. The States of the Federation are those which were named in the Federal Constitution and those that were afterwards named in accordance therewith. A new State is erected

under the name of Guerrero, composed of the districts of Acapulco, Chilapa, Tasco and Tlapa, and the municipality of Coyucan, belonging, the first three to the State of Mexico, the fourth to Puebla, and the fifth to Michoacan, provided, the legislatures of these three States give their consent within three months.

As long as the City of Mexico is the Federal District, it shall have a vote in the election of President and shall elect two senators.

7. For every fifty thousand inhabitants, or fraction that exceeds twenty thousand, a deputy shall be elected to the general Congress. To be such, it is only required to be twenty-five years of age, to be in the exercise of the rights of a citizen, and not to be included, at the time of the election, in the exceptions of Article 23 of the Constitution.

8. Besides the senators each State may elect, there shall be a number equal to that of the States, elected on the nomination of the Senate, of the Supreme Court of Justice and of the Chamber of Deputies, voting by bodies. The persons who shall receive these suffrages, shall be elected, and the Chamber of Deputies, voting by persons, shall elect those that may be lacking, from among the others nominated. The senior half of these Senators shall also belong to the Council (consejo).

9. The Senate shall be renewed by thirds, every two years alternating therein, year by year, the election by the States with that which is to be held for the third, referred to in the preceding article.

10. To be a senator the age of thirty years is required, to have the other qualifications necessary to be a deputy, and, besides, to have been constitutional President or Vice-President of the Republic, or Secretary of a Department for more than six months, or governor of a State, or a member of the chambers, or twice of a legislature, or for more than five years a diplomatic envoy, or minister of the supreme court of justice, or for six years a judge or magistrate, or superior chief of the treasury, or a general in service.

11. It is of the exclusive power of the general congress to give bases for colonization, and to enact laws under which the powers of the union are to discharge their constitutional functions.

12. It belongs exclusively to the chamber of deputies to form itself into a grand jury to declare by a simple majority of votes whether there is or is not, cause for bringing charges against the high functionaries to whom the Constitution or the laws give this privilege.

13. When it is declared that there is cause for bringing charges, when the offense is a common one, it shall forward the proceedings to the supreme court; if it is malfeasance in office, the senate shall form itself into a trial jury, and shall restrict itself to declaring whether the accused is or is not guilty. For this declaration the vote of three-fifths of the members present is necessary, and when made, the supreme court shall designate the penalty in accordance with what the law provides.

14. In no case shall a proposed law be considered approved with less than an absolute majority of the votes of the members present, in each one of the chambers.

15. The articles of the Constitution that created the office of Vice-President are repealed, and the temporary absence of the President shall be covered in the way it provides for the case in which both functionaries are wanting.

16. The President is responsible for the common offenses he may commit during the exercise of his office, and even for the malfeasance in office excepted by the Constitution, provided that act in which they consist is not authorized by the signature of the responsible Secretary.

17. The Secretaries of the Departments are responsible for the infractions of law they commit, whether they consist of acts of commission or are of pure omission.

18. The elections of Deputies, Senators, the President of the Republic, and Ministers of the Supreme Court of Justice, shall be regulated by means of general laws. The direct election may

be adopted without other exception than that of the third of the senate, which Article 8 of this act establishes. But in indirect elections the citizen who exercises political command, civil, ecclesiastical, or military jurisdiction, or the cure of souls, shall not be elected a primary or secondary elector, in representation of the territory where he holds his office.

19. The law shall also create and organize the courts of first and second Instance that are to have cognizance of the matters reserved to the judicial power of the Federation.

20. In the matters entrusted to the powers of the Union, no State has other rights than those expressly designated in the Constitution, nor other legitimate means of intervention therein than that of the general powers which the same establishes.

21. The powers of the Union derive all from the Constitution and are limited solely to the exercise of the powers expressly designated in the same, and it shall not be understood that others are granted in the absence of express restriction.

22. Every law of the States that attacks the Constitution or general laws, shall be declared void by Congress; but this declaration shall only be proposed in the chamber of senators.

23. If, within one month after a law of the general Congress is published, it should be held as anti-constitutional, either by the President in concurrence with his minister, or by ten deputies or by six senators, or by three legislatures, the supreme court, before which the claim shall be made, shall submit the law to the examination of the legislatures, which, within three months and precisely on the same day, shall give their vote. The declarations shall be forwarded to the supreme court, and it shall publish the result, the law being annulled, if the majority of the legislatures so decide it.

24. In the case of the two preceding articles, the general congress and the legislatures in their turn shall restrict themselves to deciding only whether the law, the validity of which is in question, is or is not *anti-constitutional*, and in every affirmative declaration there shall be inserted literally the

annulled law and the text from the Constitution or general law with which it is in conflict.

25. The tribunals of the Federation shall protect every inhabitant of the Republic, in the exercise and preservation of the rights which this Constitution and the constitutional laws give him, against every attack of the legislative and executive powers, whether of the Federation or of the States, and said tribunals shall limit themselves to affording their protection in the particular in which the prosecution is had, without making any general declaration with respect to the law or to the act that was the cause of it.

26. No law shall require of printers a prior bond for the free exercise of their art, nor make them responsible for the publications they make, provided they guarantee in a lawful manner the responsibility of the editor. In every case, except that of defamation, offenses of the press shall be tried by a judge appointed to determine the facts and punished only by a pecuniary penalty or by imprisonment.

27. The laws referred to in Articles 4, 5 and 18 of the present act, that on the liberty of the press, the organic law of the national guard and all those which the general provisions of the Constitution and of this act regulate, are constitutional, and cannot be altered or repealed, unless an interval of six months intervenes between the presentation of the proposition and its discussion in the chamber of it's origin.

28. The articles of the Constitutive Act, of the Federal Constitution and of the present act can be amended at any time, provided the amendments are agreed upon by two-thirds of both chambers, or by the majority of two distinct and consecutive congresses. The amendments that shall hereafter be proposed, limiting in any point the extension of the powers of the States, shall require, besides, the approval of the majority of the legislatures. In every proposal of amendment the addition established in the preceding article shall be observed.

29. In no case shall the principles that establish the independence of the nation, its form of republican, representative,

popular, federal goverment, and the division of both the general powers and those of the States be altered.

30. When this Act of Reforms is published all the public powers shall conform to it. The general legislature shall continue deposited in the present Congress, until the assembling of the chambers. The States shall continue to observe their own Constitutions, and shall renew their functionaries in accordance therewith.

THAT THE MEXICAN FAMILIES WHO ARE IN THE UNITED STATES MAY EMIGRATE TO THEIR NATIVE COUNTRY.

CODE OF COLONIZATION, PAGE 407, NO. 126.

Decree of August 19th, 1848.

Department of Domestic and Foreign Affairs.—His Excellency, the President of the Republic, has directed to me the decree that follows:

Jose Joaquin de Herrera, General of Division and Constitutional President of the United States of Mexico, to the inhabitants of the Republic, know ye:

That in use of the power which clause 2d of Article 110 of the Constitution gives me, in order to comply with the provision of Article 22 of the law of the 14th of June, last, which created a fund for the removal of Mexican families that wished to emigrate from the territory lost by the Treaty of Peace of Guadalupe Hidalgo; and after consulting various persons who were acquainted with the local circumstances of the territory in question, and having heard the opinion of a Board, appointed for this sole purpose, concurring in the report made by it, I have concluded to decree the following:

Article 1. All the Mexicans who at the conclusion of peace were in the territory which by the Treaty of Guadalupe Hidalgo remained in the power of the United States of the North, and wish to come and establish themselves in that of the Republic, shall be removed to the latter at the expense of the Treasury and in the manner provided in the following articles.

Art. 2. All persons who may be in this condition, will give notice to the nearest consul or agent of the Republic, or to the commissioner or agents of the commissioner, who shall be appointed, stating his name, age, residence and occupation, and if they have a family, the number of persons that compose it, with the same specification in regard to each one of them.

Art. 3. The government shall appoint three individuals to go as a commission; one to Mexico, another to Upper California and another to Matamoros in the State of Tamaulipas, to take charge of the removal of the Mexican families Article 1 speaks of.

Art. 4. These commissioners, in view of the petitions they receive directly or through the consuls, and of the other proceedings they will take with the greatest activity, will give orders for the transportation of the families that desire to emigrate, taking charge of their transfer as far as the place designated.

Art. 5. The families from New Mexico shall go to Chihuahua; those from the left bank of the Bravo to the State of Tamaulipas, Coahuila or New Leon; and those from Upper California to Lower California or to the State of Sonora; to which end the several commissioners shall put themselves in accord with the Governors of these States, and the first local authority of California, that they may designate the lands that may be set apart for the establishment of colonies.

Art. 6. The Mexicans who emigrate by virtue of this decree, shall have the right of preference to have made to them all the concessions the laws establish, or shall establish in favor of foreign colonists, besides the assistance the same confers on them in a special manner. They shall also be received preferably in the military colonies established by the law of July 20th, last.

Art. 7. The Governors of the States of Chihuahua, Coahuila, New Leon, Tamaulipas and Sonora, and the first civil authority of Lower California, will prepare regulations, in the part that concerns them, for the organization of the civil colonies the emigrants are to establish, and will give the orders they consider adapted to favor as much as possible the enterprise, procuring principally, by arrangements with land owners, or by any other means, that the emigrants find in said States, either agricultural or pasturable lands, where the owners of cattle can come and establish themselves with their stock.

Art. 8. The emigrants who do not wish to dedicate themselves to agriculture, but to follow their art or trade, will so notify the commissioner and he the Governor or respective authority, that he may designate for them the town to which they are to go and there endeavor to facilitate their employment.

Art. 9. Every emigrant is free to make the journey on his own account, but in union with the others, and to reserve the whole or a part of his allowance to receive it in agricultural implements and seeds at the place for the establishment of the colony. He shall be obligated, nevertheless, to so notify the commissioner at the time of enrolling himself, that it may be borne in mind when making the estimates.

Art. 10. The quota of allowance for the emigrants shall be twenty-five dollars per person, from fourteen years up, and twelve dollars for each one of those that do not reach this age. The head of the family shall receive this sum: I. In the charge against him for transportation to the place where the colony is established. II. In the oxen and tools that may be delivered to him at the same place. III. In grain for his maintenance in the first year of its establishment.

Art. 11. If, on account of the distance from the place, the expenses of the journey are so high that they are not free to receive in grain, furniture or tools at least the value of fifteen dollars per person fourteen years of age, this amount shall be made up only for those who go to establish themselves in the colonies and not for others.

Art. 12. Those who do not wish to establish themselves in the colonies shall receive the half of the quota allowed in the terms they may agree upon with the respective commissioner, who, if they do not make the journey in the manner that may be established, shall not deliver to them that quota, unless he satisfies himself that they are transported to the territory of the Republic.

Art. 13. The commissioners as well as the Governors of the States shall take the measures that appear to them most suitable to satisfy themselves that the emigrants are in the condition of Article 1 of this decree, and to avoid that any go now from ~~Mexican~~ to the ceded territory to take advantage at once of the benefits of this decree, of which they will be deprived as soon as the fraud is discovered. They shall also see that no criminals subject to trial or under sentence for serious crimes come to the colonies.

Art. 14. The commissioners shall issue to each person or family of those that are to emigrate, a ticket for the value of the sum of the quotas of their members, noting on their said ticket whether they pay the expenses of the journey on their own account, or receive them from the commissioner, and whether they go with the intention of forming a colony or to follow some art, or go to some other place in the Republic; and they will keep a detailed statement of the number, value and endorsements of the tickets issued, to form the estimates of freights, provisions, oxen, grain and tools.

Art. 15. When said estimates are made, the commissioners under their own responsibility, themselves or their several agents, shall make contracts, with the greatest possible economy, for means of transportation, the necessary provisions for consumption during the journey, and for the seeds and tools that are to be given them at the place of their destination. These contracts shall be drawn up in duplicate, one copy thereof remaining in the Mexican Consulate.

Art. 16. The expenses for freight, grain and tools, driving of oxen and in general all those that cannot be exactly calculated before distribution, shall be charged under their respective heading, so that the price charged the emigrant shall be first cost. The commissioners will also be allowed, as expenses of the enterprise, the extraordinary expenses they may have to incur and which it may not be possible to calculate in time to charge them in the respective expenses.

Art. 17. For the punctual payment of all these contracts, the Treasury Department will place the respective funds in the places which in its opinion are convenient, and in the manner most suitable to secure these funds from being diverted from their purpose; and the office or persons designated, shall pay at three days' sight the drafts drawn by the commissioner; they shall keep their account of the distribution and shall sign the general account of the commission at the end. The drafts must have the vise of the Mexican Consuls or Vice-Consuls, as soon as they are established in those places.

Art. 18. As the emigrant receives what he may need, the respective charges shall be made against him on his ticket, until, when the value thereof is satisfied, he signs the receipt and delivers it to the commissioner to vouch for his own account. In the settlement and signing of the receipt, the authority which the Governor of the State to the terriory of which the emigrants may have come may designate, shall intervene.

Art. 19. The general account of the commissioners, shall be presented to the Supreme Government with the authorized items of disbursements, vouched for by the respective tickets of the emigrants and with the vise of the Governors of the respective States; and when approved it shall be published in the periodicals. In Lower California, the first civil authority shall perform the functions of Governor.

Art. 20. The commissioners for New Mexico and California shall each receive for expenses of the journey two thousand dollars, whatever be the time their commission may last, and besides one dollar per man fourteen years of age that may emigrate, and four reals for other persons. The commissioner who goes to Matamoros shall receive one thousand dollars for the expenses of the journey and so much per person as designated for the others. The commissioners shall give the bond the Treasury Department considers just.

Art. 21. If the amount which has been apportioned for the removal should not be sufficient to complete that of all the families enrolled, the commissioners shall immediately make the proper estimate and forward it to the Supreme Government, that it may at once provide for the transportation of those who could not come on the resources now apportioned for this purpose.

Art. 22. The doubts that may occur to the commissioners in the discharge of their commission, they may decide by consulting and putting themselves in accord with the Governor of the respective State, or first civil authority of the Territory of Lower California, if it concerns him, without prejudice to their making a report of the condition of their labors to the Supreme Government and to the Governors of the respective States, with the greatest possible frequency.

Art. 23. Military men and employees who are in the ceded territory, who during the war have not lost their employments through violation of the laws of the Republic and desire to emigrate, shall receive beside the quota established in these regulations the amount which by way of salary the proper Department may see fit to assign them, and it shall be charged to the ordinary funds from which said salaries should be paid them. The Commissioners and Governors shall report on their applications.

Art. 24. The agents of the general government as well as the authorities and functionaries of the States, will impart to the commissioners their protection that they may attain the best success in the discharge of their commission.

Therefore, I order it printed, published, circulated and duly complied with.

Palace of the general Government in Mexico, August 19th, 1848.

JOSE JOAQUIN DE HERRERA.
TO DON MARIANO OTERO.

INDEMNITY OFFERED STATE OF SONORA FOR PUBLIC LANDS.

COMP. LAWS, VOL. V, PAGE 603, No. 3321.

Order of August 30th, 1849.

Most Excellent Sir:—The Supreme Government is informed that, on account of the disturbances in Upper California, especially in the gold placers, robbery and murders have increased, and that the hatred of Mexicans, Spaniards and Chilians has gone so far as to prevent their living there and that they have been forcibly compelled to re-embark, and further information has been added to this, which indicates that in that country there are no social guarantees.

This has attracted the attention of his Excellency, the President, and he therefore directs me to say to your Excellency that he expects you to do all that is possible to attract to yourself this population, in the understanding that public lands will be given to the emigrants on credit, and that, if that State does not cede them gratuitously or if the emigrants cannot pay, it will be given them, nevertheless, as the general government obligates itself to indemnify said State in the manner to be determined at the proper time by the general Congress.

God and Liberty. Mexico, August 30th, 1849.

LACUNZA.

SURVEY OF LANDS IN SONORA FOR COLONIZATION.

COMP. LAWS, VOL. V, PAGE 734, NO. 3470.

Circular of August 31st, 1850.

* * * * * * * *

First. A commission is appointed to make maps of the colonizable lands in Sonora, composed of a Chief, two Military Engineers and two Mining Engineers; one of the Military Engineers shall be the Secretary. The government of Sonora is invited to appoint an individual on its part.

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ANNULS DECREE OF THE STATE OF SONORA DECLARING PUBLIC LANDS BELONG TO SONORA AND PROVIDES FOR COLONIZING THE SAME.

COMP. LAWS, VOL. VI, PAGE 76, NO. 3565.

Decree of May 14th, 1851.

The decree of the Legislature of the State of Sonora of May 6th, 1850, is unconstitutional, which says:

"No. 134. The constitutional Congress of the State of Sonora decrees the following:

Article. 1. There are colonizable in the State all the desert and vacant lands on its frontiers which belong to it and are not the property of an individual, corporation or town.

2. To all foreigners who desire to establish themselves on these lands and who are not disqualified to do so under the general laws, security and protection to their persons and interests are offered.

3. The State grants to every family settling on said lands one ***caballeria*** of irrigable agricultural land, which is an area one thousand four hundred ***varas*** long by five hundred and fifty-two ***varas*** wide, and a ***sitio*** of five thousand ***varas*** squared of grazing land, and, in addition, the necessary land for building houses in town to live in.

4. The settlers on the lands under this law must establish themselves thereon and cultivate the same to enjoy the products thereof, and shall not alienate them until after six years, under penalty of losing them and of their passing to another settler who applies for them.

5. For the term of ten years from the establishment of a colony, the settlers thereof are exempt from every direct or indirect tax now imposed or that the State may impose.

6. The effects, utensils, lumber and whatever may be brought in for use or consumption of said colony, are also exempt from all duties for said term.

7. The products of the colony are likewise exempt from all taxation in the State.

8. The gold and silver taken therefrom, from the time of its establishment, are exempt from the assay tax of three per cent.

9. The government is empowered to regulate, in its turn, the government and interior administration in the establishment of colonies that may be made on said lands, to contract for enterprises with this object in view, and to determine the most suitable lands under the purposes and franchises of this law. If, for this purpose, further privileges are solicited, they may be granted at the discretion of the Government, subject to the approval of Congress.

10. Foreigners established in the colonies, shall enjoy all the civil and political rights the laws give them; as also the power they thereby have to acquire every kind of real property.

11. Mexicans and foreigners shall enjoy the same privileges in a colony in Sonora, but in equality of circumstances the Mexican promoter of a colony shall alone be preferred to the foreigner.

12. The colony shall be understood as established as soon as there is gathered together therein, at least, the number of one hundred families in the sense of a town.

13. To the promoter who contracts for the establishment of a colony, under the articles of this law, there may be granted as a property ten *sitios* of grazing land and its *caballerias* of irrigable agricultural land, or ten of *temporal* land.

14. The colonists, in case of necessity, are obligated to contribute with their persons and interests to the defense of the State and of their new country."

Because it is opposed to Article 11 of the Act of Reforms (Comp. Laws, Vol. V, Page 275, No. 2982, May 18th, 1847), which says:

"*It is the exclusive right of the general Congress to establish bases for colonization* and to enact laws under which the powers of the Union are to perform their constitutional functions;" and to Article 2 of the general law promulgated April 25th, 1835, which says:

"Art. 2. In the exercise of the power reserved to the general Congress in Article 7 of said law of August 18th, 1824, the frontier and littoral States are prohibited from alienating their vacant lands for colonization, until the regulations to be observed in carrying it out are established."

GRANTING THE PUBLIC LANDS OF CHIHUAHUA TO MR. HIPOLITE DU PASQUIER DE DOMMARTIN TO BE COLONIZED BY EUROPEAN FAMILIES HE AGREES TO BRING.

CODE OF COLONIZATION, PAGE 536, NO. 164.

Decree of June 27th, 1853.

Antonio Lopez de Santa Anna, Well deserving of his Country, General of Division, Knight Grand Cross of the Royal and Distinguished Spanish Order of Charles III, and President of the Republic of Mexico, to the inhabitants thereof, know ye:

That in use of the powers which the Nation has been pleased to confer on me, I have seen fit to decree the following:

1st. To colonize the public lands of the State of Chihuahua and all others private individuals may wish to cede for this purpose, the Supreme Government grants to Mr. Hipolite du Pasquier de Dommartin, the concession which the following articles express.

2nd. Mr. Hipolite du Pasquier de Dommartin obligates himself to bring European Catholic emigrants of French, Belgian, German, Italian and Spanish origin, preferring those of the North of France, from Belgium and the mountains of Italy, to establish the colony on the lands, the foregoing article refers to.

* * * * * *

11th. The government of the new settlements shall be in accordance with the provisions of existing laws, and Mr. Dommartin will conform to the provisions of the law of October

3d, 1843, to intervene in and organize the new settlement created by him and it shall also be an obligation of Mr. Dommartin to apportion the lands in the manner that will be stated further on, and in conformity with the first part of Article 39, of the regulations for the execution of the decree of the 4th of December, 1846.

12th. The Supreme Government cedes to Mr. Dommartin for the establishment of the colony in Chihuahua all the depopulated, desert and abandoned public lands within the limits of the State of Chihuahua, provided they are not included in the following article in which are stated those excepted.

13th. There are excluded from the concession made to Mr. Dommartin for colonization in the State of Chihuahua the following lands:

1st. Those legally acquired by towns, corporations or individuals, unless their lawful owners desire to cede them to be colonized.

2nd. Those excluded by the decree of the Congress of Chihuahua of April 11th, 1850.

3d. All those the Supreme Government may have disposed of until the arrival of the colony.

4th. Those set aside for military posts.

* * * * * *

15th. There are included in this concession the twenty frontier leagues referred to in the decree of August 18th, 1824, under the same reservations and exceptions referred to in Article 13 of this contract.

* * * * * *

20th. The titles to the lands referred to in this contract shall be delivered by the Supreme Government and by that of Chihuahua to Mr. Dommartin as soon as the first colonists arrive, and this gentleman shall issue the partial titles to the emigrants as he establishes them.

21st. The Government of Chihuahua in conformity with the orders of the Supreme Government of the Republic and the stipulations in this contract, shall designate the lands that, on its account, correspond to the colony, this said contract serving as a title to Mr. Dommartin and the other titles which thereunder the Government of Chihuahua, may believe should be given him for the peaceable possession of the lands designated for the colony.

* * * * * *

23rd. This contract with Mr. Dommartin shall last ten years, and it may be renewed for the continuation and introduction of emigrants, at the end of this time, with the Supreme Government, without which previous requisite the powers of Mr. Dommartin shall cease, the Supreme Government taking the measures it considers proper to replace him in the colony.

* * * * * *

26th. The mineral deposits, mines, placers and pockets known or that may be discovered within the limits of the lands that shall be given or shall belong to the colony, may be denounced and worked under the Mining Ordinances by the colonists or by any Mexican or foreigner; but of the twenty-four bars or parts into which a mine is considered divided, whoever may hold and work it, shall be obligated to give two non-assessable shares to Mr. Dommartin and two others which the Supreme Government of the Republic reserves.

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General Palace at Tacubaya, June 27th, 1853.

(Note of the Compiler of the Code of Colonization. This decree does not appear to have been published.)

OBLIGATIONS OF THE GOVERNMENT OF THE STATE OF CHIHUAHUA TOWARD THE IMMIGRANT AND IMMIGRATION..

ANNEXED TO NO. 164.

First. The Government obligates itself with the immigrant to give him in perpetual proprietorship all the desert tillable lands located to the North of a line drawn from the Presidio del Norte to the extreme western frontier of the estate of San Diego belonging to Pedro Olivares.

The natural boundaries of these concessional lands are:

1st. To the North; the left bank of the Gila River and all its tributaries.

2nd. To the South; the line from Presidio del Norte to the extremity of the estate of San Diego.

3d. To the East; the frontier of New Mexico and of Texas.

4th. To the West; the frontier of Sonora that runs as the summit of the Sierra Madre.

Second. Each immigrant shall receive in perpetual proprietorship a tract of tillable land, the area of which shall be fixed by a colonial law.

Third. Every immigrant who enters into possession of a tract of concessional land before the first of January, 1900, shall have the benefit of the same, without paying any tax for *thirty years*.

In the same manner all merchandise, machinery of modern invention and in general everything the immigrant considers useful and necessary in his work, shall be free of all custom duties *for thirty years*, and this for every immigrant who enters into possession of a tract of concessional land before the first of January, 1900.

Fourth. Each immigrant shall be free to travel armed over the territory of the Republic, and also to live and work armed, each one for his personal safety, and in a necessary case to defend his new country.

Fifth. Every adult immigrant shall obtain his letter of naturalization without any cost, and shall enjoy all the rights of a Mexican citizen after six months residence in the territory of the State of Chihuahua.

OBLIGATIONS OF THE IMMIGRANT TOWARD THE GOVERNMENT OF THE STATE OF CHIHUAHUA.

All the rights of Mexican citizens being recognized by naturalization, the immigrant obligates himself, with respect to the government of the State, to sustain his rights and to defend his land and his new country. He will submit to the laws of the country and practice the Catholic religion.

OBLIGATIONS OF THE GOVERNMENT OF THE STATE OF CHIHUAHUA TOWARD MR. DU PASQUIER DE DOMMARTIN.

First. For every thousand immigrants that enter the territory of the State of Chihuahua, the government of the State will give in proprietorship and at the election of Mr. du Pasquier de Dommartin a tract of land of one league of five thousand varas to each side, as a recompense for his labor.

Second. The government obligates itself to concede to Mr. du Pasquier de Dommartin all the railroad lines susceptible of being constructed in the territory of the State.

Third. These concessions are three, and will be made separately to Mr. du Pasquier de Dommartin without fixing a time for their execution, on the supposition that it is necessary to wait for the most favorable moment for the construction of each particular line.

These three concessions are:

First. Line from the frontier of the United States to the frontier of the State of Durango.

Second. Line from the frontier of the United States to the frontier of the State of Sonora.

Third. Line from the city of Chihuahua to the frontier of Sonora.

OBLIGATIONS OF MR. DU PASQUIER DE DOMMARTIN TO THE GOVERNMENT OF THE STATE.

Mr. du Pasquier de Dommartin obligates himself with the government of the State to complete for it within the first ten years of his contract the number of five thousand families. In the following ten years, twenty thousand families, that is, from one hundred and twenty-five thousand to one hundred and fifty thousand persons in twenty years.

This is a copy of the original to which reference is made.

Chihuahua, April 11th, 1850.

JOSE ELIGIO MUNOZ,
Deputy Secretary.
LUIS RUBIO,
Deputy Secretary.

Citizen Angel Trias, Constitutional Governor of the State of Chihuahua, to all the inhabitants thereof, know ye:

That the Congress of said State has decreed what follows:

The Constitutional Congress of the State of Chihuahua has seen fit to decree the following:

Article 1. For the colonization and railroad enterprises which Mr. Hipolite du Pasquier de Dommartin proposes in the application he addressed to the Congress of the State on the 28th of last December, the State of Chihuahua, by the present law, grants him:

1st. All the lands to the North of the 30th parallel of latitude which shall be necessary for said enterprises and of which the State can dispose without prejudice to present settlements and their town commons, to the present properties of individuals and to the sections and offers which it has made up to date for the military and civil colonies that are being formed by

Chihuahuanians from Canton Bravos and other Mexicans that come from the territory ceded to the United States.

2d. All the lands that shall be necessary for railroads, even though they be private property and whatever be their location.

3d. All the privileges and exemptions he asks for and that depend on the legislative power of the State.

Art. 2. This law shall be without any effect, if within the year counted from the day of its publication in this capital, the promoter has not formally entered into the necessary contracts to carry out his enterprises with the Supreme Government of the Republic.

Art. 3. The government of the State shall have the present law published preceded by the said application of Mr. Hipolite du Pasquier de Dommartin.

The Governor of the State will understand it and make the necessary orders for compliance therewith.

Chihuahua, April 11th, 1850.

Citizen Angel Trias, Constitutional Governor of the State of Chihuahua, to all the inhabitants thereof, know ye:

That the Congress of said State has decreed the following:

The Constitutional Congress of the State of Chihuahua has seen fit to decree:

Only Article. To the Chihuahuanian residents of Don Anna, Isleta, Socorro and San Elceario the government will give from the public lands on the right bank of the Bravo lands to double the amount of those that should be given to other Mexicans who come from New Mexico or California, under the decree of the State of the 17th of January, 1849, with the same privileges and conditions that said decree provides, and without prejudice to the pecuniary assistance to which they have a right under the general laws of the Republic.

The Governor of the State will understand it and make the necessary orders for compliance therewith.

Chihuahua, April 11th, 1850.

DECREE EXTENDING THE CONCESSIONS MADE TO PASQUIER DE DOMMARTIN FOR COLONIZATION IN CHIHUAHUA.

ANNEXED TO NO. 164.

Citizen Licentiate Juan N. Urquidi, Constitutional Governor *ad interim* of the State of Chihuahua, to all the inhabitants thereof, know ye:

That the Congress of said State has decreed what follows:

The Constitutional Congress of the State of Chihuahua has seen fit to decree the following:

Only Article. The concessions made to Mr. Hipolite du Pasquier de Dommartin in the decree of the 11th of April, 1850, are extended till the end of May, 1852.

The Governor of the State will understand it and make the necessary orders for compliance therewith.

Chihuahua, March 13th, 1851.

Citizen Jose Cordero, Constitutional Governor of the State of Chihuahua, to all the inhabitants thereof, know ye:

That the Congress of said State has decreed the following:

The Constitutional Congress of the State of Chihuahua has seen fit to decree the following:

Only Article. Without prejudice to what the Supreme Powers of the Federation may resolve with regard to the concessions which the French citizen, Mr. Hipolite du Pasquier de Dommartin, has undertaken with respect to colonization and railroads in the State, there is extended for one year more, counted from the date of the present decree, the extension that was granted him on the 13th of March of the year last passed.

The Governor of the State will understand it and make the necessary orders for compliance therewith.

Chihuahua, April 26th, 1852.

Citizen Angel Trias, Governor and Commandant General of the State of Chihuahua, to all the inhabitants of said State, know ye:

That by virtue of the declaration of the 16th of last February, made by its Excellency, the Permanent Deputation, what follows has been decreed:

The Governor of the State of Chihuahua, associated in the manner provided in Article 80, clause 12, of the Constitution of said State, has seen fit to decree the following:

The concessions made to Mr. Hipolite du Pasquier de Dommartin by the decree of the 26th of April, 1852, with respect to colonization and railroads, are extended for one year more counted from the 26th of next April.

Chihuahua, March 17th, 1853.

PLAN OF JALISCO.

COLLECTION OF FUNDAMENTAL LAWS, PAGE 300.

October 20th, 1852.

In the City of Guadalajara, on the twentieth of October, one thousand eight hundred and fifty-two, the undersigned gentlemen assembled in the Hospice for the poor, as a suitable place because outside of the fortified district, animated solely and exclusively by the most vehement desire to bring about the pacification of the State, threatened at this moment by all the horrors of civil war, and that this step may have an influence in the general pacification of the Republic; being fully advised by Licentiate Don Lazaro J. Gallardo that this imporant object would be obtained if the forces of the place and the Government of the State would make some modifications in the plan proclaimed in this capital on the thirteenth of September last passed.

Considering: That to attain this laudable object it is necessary to lay aside all personal bias, they decided to present a copy of the plan formulated to meet the exigencies of public opinion. At this point the ecclesiastical gentlemen present stated: That, as their mission was one of peace and as they ought not, under any pretext, take part in political questions, it should be understood that the sole purpose of their presence at that meeting was to interpose themselves to absolutely prevent the shedding of blood among individuals who should be considered as of one and the same family; that with this understanding they added their votes to those of the other gentlemen present, on the supposition that all were animated with the purest intentions and the same hopes. Under these terms, the undersigned agreed to address his Excellency, General

Jose Maria Yanez, the bases which, in their opinion, are the expression of the general will, which placed in due form, are as follows:

Article 1. The Mexican nation is one and indivisible and constituted under the federal, popular, representative system.

Art. 2. All the public powers that have become unworthy or may become unworthy of public confidence cease in the exercise of their functions by the will of the Nation.

Art. 3. There shall be organized an executive power deposited in one person, who, until the acting President is appointed, shall re-establish order and justice in the Republic, uphold the institutions, guarantee independence and at once attend to the security of the frontier States.

Art. 4. When the National forces that may further this reform occupy the capital, the General-in-Chief, thirty days thereafter, shall call an Extraordinary Congress, composed of two deputies to the State, to be named under the law that served for the election of the Congress of the year 1842.

Art. 5. This Congress, when assembled, shall proceed:

I. To the election of the acting President, who shall continue for what is lacking of the constitutional period of four years.

II. It shall devote itself to the amendments of the constitution, that will give the general government respectability, power reconcilable with the sovereignty and independence of the States, in the interior administration.

III. It shall create and organize the National Treasury.

IV. It shall regulate internal and external commerce, by means of a moderate tariff, that will moralize the department and put a stop to smuggling, to which commerce in good faith is a victim.

V. It shall devise a system of defense for the frontier and frontier States against the invasions of barbarians.

VI. It shall regulate elections so as to nullify the ambition for office, which has been the cause of so much evil to the Republic.

VII. It shall form a general plan for an economical administration, that the towns may be freed from some of the taxes.

VIII. It shall positively reorganize the army now destroyed, and some other class of militia to serve as a reserve, removing the odious part of the National guard which is made to do garrison duty in the towns and for which extra taxes are levied, which are very burdensome on the unfortunate.

IX. It shall enact an amnesty law for all political offenses. This Congress shall last one year at most.

Art. 6. Until the system for the treasury is arranged the States shall contribute one-half of their revenues, except those that suffer from the incursions of barbarians.

Art. 7. To the end that the towns may begin to feel the advantages of a positive reform, capitation tax and the extra tax for the National guard cease.

Art. 8. The government of the States that adopt this plan, have the plentitude of powers that should be necessary to organize themselves under these bases, to the end of attending immediately to the defense of the frontier States, devastated by savages, and to carry into effect the regeneration of the Republic.

Art. 9. As the situation of the Republic demands the adoption of extraordinary measures, every State that adopts the present plan, shall at once promulgate and declare in force the law of April 26th, 1847, issued by the Constituent Congress.

Art. 10. Every corporation or individual that opposes the present plan, or lends assistance to the powers it does not recognize, are responsible with their persons and property, and shall be treated as enemies of the independence and unity of the Republic.

Art. 11. Inasmuch as the eminent services, which his Excellency Antonio Lopez de Santa Anna has rendered to the country at all times, make him worthy of the gratitude of the nation; inasmuch as in the great conflicts of the Republic he has always been the first who has offered himself to save it, and inasmuch as his Excellency has voluntarily left the Territory of Mexico; as soon as the government referred to in the 3d article of this plan is organized, the Provisional Executive shall invite said general to return to the Republic, whenever he deems it convenient.

Art. 12. The forces of Jalisco, in order to sustain this plan, name as their general the distinguished citizen of the State of Guanajuato, General Jose L. Uraga, who, while preserving order and the severest discipline, shall act with all the powers of a general in a campaign.

Art. 13. The executive of the free and sovereign State of Jalisco, shall continue deposited in the person of citizen General Jose Maria Yanez, who shall make such provisions as may be necessary for the purpose of organizing the powers of the State, as provided in Article 8th of this plan.

Art. 14. As the object of the individuals who sign the present arrangement is to avoid the effusion of blood, with which the capital is threatened, and to conciliate, as far as possible, the minds that are divided by political interests, the persons who occupy the administration of the State on the 26th of July of the current year, may return without being molested, to live peaceably in their domicile like all other citizens.

PLAN OF JALISCO AS MODIFIED.

February 6th, 1853.

Convention entered into between the General-in-Chief of the Division of Jalisco and the States that declared for the Plan of Guadalajara of the 20th of October last passed, the Commander-in-Chief of the Robles Division, and the gentlemen commissioned by the Lombardini Division, General Martin Carrera, General Santiago Blanco, and the Commander of the Battalion of Independence, Jose Maria Revilla y Pedreguera; all amply empowered that what is decided upon and signed be carried out by the three united Divisions.

Assembled in the national palace of Mexico, on the sixth day of the month of February, one thousand eight hundred and fifty-three, General Jose L. Uraga and Lieutenant Colonel Manuel Robles Pezuela, the first as Chief of the Division of Jalisco and of the revolted States, and the second of that of his own name, and the Director General of Artillery, Martin Carrera, General Santiago Blanco, and the Battalion Commander, Jose Maria Revilla y Pedreguera, commissioned by the Lombardini Division, to arrange a convention to terminate the crisis in which the Republic is situated; and considering that the first necessity of the Nation is peace, in order that the state of alarm and instability in which the country is situated and the misfortunes consequent upon a war between brothers may disappear;

That public opinion already explained and the constant menaces to our nationality demand that there be a power invested with the necessary faculties to save the most sacred interests of a people, without creating thereby a despot to destroy political liberty and the individual guarantees Mexican love so much, and which it would be a disgrace to destroy in a civilized Nation;

That the many deficiencies which the plan of Jalisco has to establish it in its full extent should be filled in accordance with the opinion manifested by the States that have proclaimed and sustained it, to subserve their interests and the general interests of the Republic, an opinion now well known through the explanations made by General Uraga;

Considering, finally, that in so far as is possible in the present circumstances, the will of the towns ought to be consulted in the election of the First Magistrate of the Republic, and success guaranteed in the determinations the Executive Power may take, they have agreed upon the following articles, in order that the plan of Jalisco may have its most complete effect:

Article 1. The plan proclaimed in Guadalajara the 20th day of October, 1852, is ratified in all its parts with the following additions:

Art. 2. Satisfying, as is just, what the very grave and exceptional situation in which the Republic is found demands, and the clamor of general opinion, which desires that internal peace be secured as soon as possible, it is declared: That the executive power to be chosen under this convention shall, until the promulgation of the new political constitution that is to be made, have the necessary powers to re-establish social order, establish public administration, form the National treasury and expedite the attributes of the judicial power, and to make therein the necessary reforms without attacking its independence.

Art. 3. As soon as the re-establishment of public peace is brought about and, in the opinion of the executive, popular elections can be freely held, the government shall convoke the National convention referred to in Article 4 of the plan of Jalisco, but in no case nor for any reason shall it delay the publication of the call for more than one year.

Art. 4. Respecting public opinion, as is just, it is also declared that the National convention referred to in the preceding article shall have full plentitude of powers necessary to constitute the Nation under the Republican representative, popular form, occupying itself exclusively with this object, and that the executive power shall in no manner suspend or retard its functions.

Art. 5. The Legislatures of the States, or where there are none, or are not in session, the Governors in office, presiding their Council (Consejo), and in the District and Territories the Governor or political chiefs, shall proceed within the first two days after they receive this convention to the election of the President of the Republic. Meanwhile, and by the vote of all the united forces, the executive power is deposited in his Excellency, the President of the Supreme Court of Justice, Juan B. Ceballos, who, on the 17th day of next March, shall solemnly open the papers in which are set out the votes of the States, District and Territories, and shall announce the person elected, who, as soon as he presents himself in the capital of the Republic, or immediately if he should be there, shall take the oath before the President of the Supreme Court of Justice, under the following formula: "Do you swear to God to defend the independence and integrity of the Territory of Mexico, and to promote the welfare and prosperity of the Nation, in conformity with the bases adopted in the plan of Jalisco and the convention celebrated on the 6th of last February in this capital by the united forces? If you shall do so, may God reward you for it; and if not may he and the Nation punish you." When this act is concluded, the person elected shall take charge of his office.

Art. 6. The election referred to in the preceding article shall be without exclusion of the Mexican citizens who are not on National territory. In order to be elected, the relative majority of the votes received shall be sufficient, and in case of a tie, the Generals of the combined divisions who sign this convention, shall make the election from among the persons who have received an equal number of votes.

Art. 7. Notwithstanding what the new constitution may provide and in order to expedite the progress of public administration, a Council (Consejo) of State is established, composed of twenty-one persons of known intelligence and patriotism, appointed and organized by the executive power, fifteen days after the latter has been installed.

Art. 8. In case of a declaration of war against the Republic, in case the latter has to repel it, or in case it is necessary to make an urgent treaty with foreign powers, the government shall proceed precisely with the concurrence of the Council (Consejo) of State.

Art. 9. As soon as the Provisional Government referred to in this convention is established, the injunction contained in Article 11 of the plan of Jalisco, which solemnly summons his Excellency, the well-deserving General of his country, Antonio Lopez de Santa Anna, shall be complied with.

Art. 10. A general amnesty is granted for all purely political offenses committed up till now; and it is declared that for the occupation of public offices, granting of promotions, or any other favor, service in the cause of the revolution shall not be alleged as a merit, nor shall having done so be an obstacle; inasmuch as the government should employ without distinction men of all parties who possess integrity, intelligence and patriotism.

Art. 11. The chiefs who sign this Convention declare they will remain united in order to make effective its fulfillment.

Art. 12. The Secretaries of State shall be responsible for their acts to the first Constitutional Congress.

TRANSITORY ARTICLES.

Article 1. This Convention shall be communicated by special messenger to the Governors and other authorities of the States, Districts and Territories.

Art. 2. In case his excellency Juan B. Ceballos refuses the office conferred upon him, the Generals of the combined divisions shall elect his successor.

BASES FOR THE ADMINISTRATION OF THE REPUBLIC, UNTIL THE PROMULGATION OF THE CONSTITUTION.

FUNDAMENTAL LAWS, PAGE 311.

April 22nd, 1853.

Antonio Lopez de Santa-Anna, well deserving of the country, General of Division, President of the Republic, to the inhabitants thereof, know ye:

That in use of the powers which the Nation has been pleased to confer on me, I have seen fit to decree the following:

BASES FOR THE ADMINISTRATION OF THE REPUBLIC, UNTIL THE PROMULGATION OF THE CONSTITUTION.

SECTION FIRST.

Supreme Government.

Art. 1. For the dispatch of business there shall be five Secretaries of State with the following names:

Foreign Affairs.

Internal Affairs, Justice, Ecclesiastical Affairs and Public Instruction.

Public Works, Colonization, Industry and Commerce.

War and Navy.

Treasury.

Art. 2. A convenient distribution of business shall be made between these departments, for the most rapid dispatch thereof.

Art. 3. The matters in which the new Department of Public Works, Colonization, Industry and Commerce shall occupy itself, are the following:

Formation of general statistics of industry, agriculture, mining and commerce, following for each year the movement these departments of the service may have.

Colonization.

Measures conducive to the developement of all branches of industry and commerce in all directions.

The issue of patents and franchises.

Public expositions of the products of the agricultural, mining and manufacturing industries.

Roads, canals and all the means of communication of the Republic.

The drainage of Mexico and all the works relating to the same.

All public works of utility and ornamentation, made with public funds.

Art. 4. In consequence of the creation of this Department, the Bureau of Industry and Colonization is abolished and all the special bureaus of the different branches which the powers of said Department include. The employees of these offices shall be considered according to their merit.

Art. 5. To the end that there may be the necessary regularity in the dispatch of business, all that may be considered of a general character, that places a burden on the public treasury, or when its gravity requires it in the opinion of the government, shall be considered before a meeting of the ministers upon a written report which the ministers of the branch of the service shall present, and if the opinion of the meeting is adopted by the President, the corresponding minister, under his own responsibility, shall be charged with the execution of what is agreed upon.

Art. 6. To this end there shall be kept a book of resolutions of the meeting of Secretaries, which the Chief Clerk of the Department of Affairs shall keep, and another special one in each Department in which shall be noted the matters agreed upon by said Department.

Art. 7. The organization and actual regulations of the Departments of State, of the office of Chief Auditor, of the office of Treasurer General and other offices, shall be examined, with the view of making therein the changes and improvements that seem to be necessary.

Art. 8. There shall be made an exact estimate of the expenses of the Nation, which shall be examined in the meeting of ministers, which shall serve as a rule for all those that are to be incurred, and none shall be incurred that are not included therein, or decreed with the same formalities.

Art. 9. In order that the interests of the Nation may be properly attended to in matters in litigation that may be had upon them, whether now pending or that may be brought up hereafter; to promote whatever is of interest to the public treasury, and in order to act in all branches of the service, with the necessary knowledge in point of law, there shall be appointed *an Attorney General of the Nation*, with a salary of four thousand dollars, the honors and decoration of a Minister of the Supreme Court of Justice, in which and in all the superior tribunals he shall be received as a party for the Nation, and in the lower courts when the proper Department so orders it; and, besides, he shall render all the information on law that may be asked of him by the government. He shall be removable at the will of the latter, and shall receive instructions for his proceedings from the respective Departments.

Art. 10. The necessary measures shall be taken to prepare and publish as soon as possible the civil, criminal and commercial codes and the codes of procedure, and all others that may be necessary for the improvement of the administration of justice.

Art. 11. There shall be taken into consideration all the provisions and measures that may have been taken by the individuals who exercised the executive power since the dissolution of Congress, in order to determine what may be of greatest advantage to the best service of the Nation.

SECOND SECTION.

Council of State.

Article 1. It being necessary to proceed to the establishment of the Council (Consejo) of State, there shall be appointed the twenty-one persons to compose it, who possess the qualifications necessary for the discharge of so high an office.

Art. 2. This body shall be distributed in five sections corresponding to each one of the Departments of State, which shall render all the opinions asked of them in the several branches of the service, as a special Council for each Department, all the sections uniting to form a full Council when there are to be discussed therein the matters which in the opinion of the government require it on account of their gravity and importance, or because they are of those in which the government has to act with the concurrence of the Council (Consejo).

Art. 3. Besides the twenty-one individuals who are to compose the Council (Consejo) ten others shall be appointed to take the place of the first when they are absent or sick, in order that this body may always have the required number. The government shall fill the vacancies that occur.

Art. 4. The President and Vice-President of the Council (Consejo), as also those of the sections, shall be appointed by the President of the Republic, and likewise the Secretary, who shall be from without that body. The Council (Consejo) shall hold its sessions in the chamber set aside for those of the Senate.

THIRD SECTION.

Internal Government.

Article 1. In order to exercise the full power which the Nation has given me for the reorganization of all the departments of the public administration, the Legislatures, or other authorities that perform legislative functions in the States and Territories shall enter into retirement.

Art. 2. There shall be prepared and published regulations for the manner in which the governors shall exercise their functions, until the publication of the Constitution.

Art. 3. The districts, cities and towns that have separated themselves from the States or Departments to which they belong, and those that may have constituted themselves under a new political form, shall return to their former condition and demarcation, until the government, taking into consideration the reasons they shall allege for their aggregation, provides what is convenient for the welfare of the Republic. The district of Aguascalientes is excepted from the foregoing provision.

Art. 4. For the defense of the districts invaded by barbarous tribes, safety of the roads and settlements, and that all inhabitants may enjoy, in the most effective manner, social guarantees, the necessary measures shall be taken to avoid disorders and to punish malefactors.

~~Art. 5.~~ The four Secretaries of State shall sign this decree, and they shall communicate to whom it concerns the proper orders for the execution of everything, provided in these bases, according to the branch of the service to which each one belongs.

Therefore I order it printed, published, circulated and duly complied with.

PUBLIC LANDS CEDED TO HEIRS OF EX-EMPEROR ITURBIDE.

Comp. Laws, Vol. VI, Page 326, No. 3775.

Decree of March 12th, 1853.

Article 1. On account of what is due the heirs of his Excellency Agustin Iturbide, of the million dollars granted to him as a reward for having secured the independence of the Nation, by the Provisional Sovereign Council of Government, by decree of February 22d, 1822, which was confirmed by the law of the General Congress of April 18th, 1835, two hundred thousand dollars will be paid them, which they will receive necessarily in public lands in Lower California or in Sonora or Sinaloa, at the option of the parties in interest, to the extent of thirty leagues square, with the right to take them all at one place or at different places, if it so suits them.

CHANGES STATES TO DEPARTMENTS.

COMP. LAWS, VOL. VI, PAGE 680, NO. 4040.

Communication of September 21st, 1853.

His Excellency, the President of the Republic, has been pleased to order that what has heretofore been called States be hereafter called Departments; and by Supreme Order I have the honor to communicate it to your Excellency for punctual compliance therewith, assuring you of my consideration.

ANNULS SALES OF LANDS MADE BY STATES, ETC.

COMP. LAWS, VOL. VI, PAGE 776, NO. 4118.

Decree of November 25th, 1853.

Antonio Lopez de Santa-Anna, etc.

Article 1. It is declared that the public lands, as the exclusive property of the Nation, never could have been alienated under any title by virtue of decrees, orders and enactments of the Legislatures, governments or local authorities of the States and Territories of the Republic.

2. Consequently, it is also declared that the sales, cessions or any other class of alienations of said public lands that have been made without the express order and approval of the general powers, in the manner prescribed by the laws, are null and of no value or effect.

3. The officials, authorities and employees, upon whom devolves the execution of this decree, shall proceed, as soon as they receive it to recover and take possession in the name of the Nation, of the lands comprehended in the provisions of Article 1, and that may be in the possession of corporations or private individuals, whatever may be their prerogatives or position.

4. The judicial, civil or administrative authorities shall admit no claim of any kind, nor petitions whose purpose is to obtain indemnification from the public Treasury for the damages the unlawful holders or owners may allege, under the provisions of the preceding article; and they shall preserve their right only against the persons from whom they have the lands they are now compelled to return.

SANTA-ANNA DECLARES HIMSELF PERPETUAL DICTATOR.

Comp. Laws, Vol. VI, Page 816, No. 4146.

Decree of December 16th, 1853.

Antonio Lopez de Santa-Anna, etc., to all who shall these presents see, know ye:

That, in view of all the resolutions forwarded by the authorities, corporations and most prominent persons of all the Departments and towns of the Republic, in support of the declaration made in the city of Guadalajara on the 17th of last month, and having heard the Council of State in the matter, pursuant to what the greater part thereof has proposed, and in use of the powers the Nation has seen fit to confer on me, I have decreed the following:

Article 1. It is declared by the will of the Nation that the actual President thereof shall continue with the powers with which he is invested, for all the time he shall consider it necessary for the preservation of public order, the security of the territorial integrity and the complete adjustment of all the departments of administration.

2. That in case of the death or physical or moral disability of the said actual President, he shall have power to select his successor, by writing his name on a closed and sealed sheet of paper and with the restrictions he shall deem necessary, and which document, with due precautions and formalities, shall be deposited in the Department of Affairs.

3. The title of Most Serene Highness shall hereafter be attached to the office of the President of the Republic.

ANNULS SALES OF LANDS MADE BY STATES, DEPARTMENTS, ETC.

COMP. LAWS, VOL. VII, PAGE 228, NO. 4276.

Decree of July 7th, 1854.

Antonio Lopez de Santa-Anna, etc.

Article 1. The titles of all the alienations of public lands made in the Territory of the Republic from September 1821 till date, whether by the general authorities or by those of the extinguished States and Departments, shall be submitted to the revision of the Supreme Government, without which they shall have no value and shall constitute no right of property.

2. To this end the Ministry of Public Works shall appoint Commissioners, who may be the agents it now has in all the Departments and Territories, to whom the proprietors of public lands, or those who represent them, shall be obligated to present the titles of the acquisition thereof, within the term of six months, counted from the date on which this law may be published in each capital. There shall be admitted, for the purpose of the present decree, not only the original documents, but also, in default thereof, copies thereof authenticated and conformable to the law, and besides compared by the commission that may receive them. Proprietors who do not comply with the obligations which are imposed upon them by this and the preceding article shall be considered as detainers without any title.

* * * * * *

5. The alienations of public lands, of whatever nature they be, that have been made by the authorities and officials

of the Departments without the knowledge and approval of the general government, during the epoch when the Central System was in force in the Republic, are void.

6. Those made by said authorities in the epochs of the extinguished Federation are likewise void; *provided,* they were not made for the purpose of extending and promoting colonization, which was the purpose proposed by the law of August 18th, 1824.

7. Grants or sales of lands made to private individuals, companies or corporations, under the express condition of colonizing them, and the holders of which have not complied therewith in the terms stipulated, are declared to be of no value.

8. The alienations made by the States or Departments and declared void by the three preceding articles may, nevertheless, hold if the holders of the lands obtain the consent of the Supreme Government, and pay into the public Treasury what it considers proper to exact as the value of the land; *provided,* they apply for this ratification within the time designated in Article 2, in which case alone there shall be no further proceedings to annoy or jeopardize them.

* * * * * *

14. The law of November 25th of last year remains in force, in so far as it is not in conflict with the present decree.

EXTENDS TIME FOR PRESENTATION OF TITLE FOR CONFIRMATION.

COMP. LAWS, VOL. VII, PAGE 556, NO. 4488 BIS.

Decree of August 20th, 1855.

Martin Carrera, General of Division, President *ad interim*, etc.

Only Article. In consideration of the difficulties that have arisen in various parts of the Republic, in consequence of the political movement that has interrupted the relations of the Capital with several of the Departments, and has prevented the holders of public lands from presenting their titles; and in attention to the fact that in various cases it has been difficult for them to promptly get together all the documents necessary to legalize their respective acquisition, the time set in Article 2 of the law of July 7th, 1854, is extended another six months, which will end January 31st, next year, for the owners of public lands to present, for the revision of the Government, the titles to the lands they have acquired since the month of September, 1821.

REPEALS SANTA-ANNA DECREES.

Comp. Laws, Vol. VII, Page 627, No. 4588.

Decree of December 3rd, 1855.

Juan Alvarez, President *ad interim*, etc.

Article 1. The decrees of November 25th, 1853, and July 7th, 1854, which submitted to the revision and approval of the Supreme Government the grants or alienations of public lands made by the local governments of the States or Departments and Territories of the Republic from September, 1821, to that date, are repealed in all their parts.

2. Consequently, all the titles issued during that period by the Superior Authorities of the States or Territories under the Federal System, by virtue of their lawful faculties, or by those of the Departments or Territories, under the Central System, with express authorization or consent of the Supreme Government for the acquisition of said lands, all in conformity with the existing laws for the grant or alienation respectively, shall for all time be good and valid, as well as those of any other property lawfully acquired, and in no case can they be subjected to new revision or ratification on the part of the government.

3. The alienations of public lands that have been made by the authorities of the States or Departments and Territories without the requisites referred to in the preceding article and in contravention of the provisions of Article 4 of the law enacted by the General Congress on the 18th of August, 1824, are void and of no value, and the holders of that class of lands are subject to the penalties established by existing laws in the Republic for those who acquire property in an unlawful and fraudulent

manner, unless they promptly obtain the approval of the Supreme Government, to which they shall apply therefor through the Department of Public Works.

4. All titles of acquisition of public lands which, under the law of July 7th, 1854, have been presented to the Department of Public Works for their ratification, under the provisions of Articles 5 to 8 of said law, shall be returned to their respective owners without requiring payment of any kind of them. With regard to those in the case stated in Article 3, proceedings shall be taken in the manner provided for in the same.

5. The grants or sales of public lands made by competent authority and under the laws in force in their case, with the express obligation on the part of the new holders to colonize them in a given time, without their having complied therewith in the manner stipulated, are for that reason alone void and of no value, and said lands shall again become the property of the Nation.

* * * * * *

NULLIFIES CERTAIN DECREES OF SANTA-ANNA.

COMP. LAWS, VOL. VIII, PAGE 269, No. 4811.

Decree of October 16th, 1856.

Ignacio Comonfort, substitute President, etc.

Article 1. The decrees of November 25th, 1853, and July 7th, 1854, are void.

2. Antonio Lopez de Santa-Anna and the Ministers who took part in their approval and promulgation are responsible, with their property, for the damages they have caused.

3. The Governors of the Departments are likewise responsible, with their property, for the damages they have caused in the execution of the provisions on public lands, having exceeded the limits laid down in the several laws.

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